

D2k0fer1

Trial

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

5 JOE FERNANDEZ,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 February 20, 2013  
10 10:50 a.m.

11 Before:

12 HON. ALVIN K. HELLERSTEIN,

13 District Judge

14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the  
17 Southern District of New York

TODD BLANCHE

17 RUSSELL CAPONE

JOHN P. CRONAN

18 Assistant United States Attorneys

19 MURRAY RICHMAN

BRIAN PAKETT

20 Attorneys for Defendant

21  
22 ALSO PRESENT: SHAWN MacDONALD, DEA  
23 VANESSA QUINONES, Paralegal  
24 DON TAYLOR, Paralegal  
25

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1 (In open court; defendant present)

2 (Jury not present)

3 THE COURT: Be seated.

4 I'm sorry I had forgotten the issue that we needed to  
5 deal with today.

6 MR. CAPONE: We were going to do a brief voir dire of  
7 Patrick Darge, regarding a conversation between him and a  
8 defendant at the MCC, the defendant.

9 THE COURT: Is he the next witness?

10 MR. CAPONE: He is not the next witness.

11 THE COURT: Postpone Darge until later today sometime,  
12 and we'll figure it out, and put on our next witness.

13 MR. CAPONE: I think it will take the marshals a  
14 minute to bring Darge down, and bring the next cooperator up,  
15 but we can do that.

16 THE COURT: That's more efficient, I think,  
17 considering the jury.

18 I was not aware, I should have remembered but I  
19 didn't, and I had chores to attend to this morning.

20 MR. CAPONE: That's fine, your Honor.

21 MR. BLANCHE: The marshals indicated three, four  
22 minutes to take Mr. Darge down and bring Mr. Minaya back up.

23 THE COURT: So we can do -- how long will it take for  
24 Mr. Darge?

25 MR. CAPONE: On voir dire, I have about 10 minutes of

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1 questions, at the most, your Honor.

2 THE COURT: Why don't we give the jury an hour and a  
3 half for lunch and do Darge over the lunch break.

4 MR. CAPONE: That's fine for the government, your  
5 Honor.

6 THE COURT: Mr. Richman.

7 MR. RICHMAN: Whatever you say, sir, I'm with you.

8 THE COURT: Thank you. Okay, that's what we'll do.

9 (Witness takes the stand)

10 (Pause)

11 (Jury present)

12 THE COURT: Good morning, members of the jury. Be  
13 seated, everyone.

14 I apologize to you that I miscalculated various events  
15 that caused the delay this morning, so I apologize for the  
16 lateness.

17 Okay. Next witness is Mr. Darge.

18 MR. BLANCHE: No, your Honor, the government calls  
19 Geoffrey Minaya.

20 THE COURT: Next witness is Jeffrey Minaya.

21 He will now be sworn. Pay attention to the oath.

22 GEEFFREY MINAYA,

23 called as a witness by the Plaintiff,

24 having been duly sworn, testified as follows:

25 THE COURT: Speak up, Mr. Minaya, okay?

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Trial

1 How do you spell your first name?

2 THE WITNESS: G-E-F-F-R-E-Y.

3 MR. BLANCHE: Pull the microphone in closer, if you  
4 want, Mr. Minaya.

5 THE COURT: You key up your voice, he'll keep up, I'll  
6 make sure.

7 MR. BLANCHE: Yes, your Honor.

8 DIRECT EXAMINATION

9 BY MR. BLANCHE:

10 Q. Good morning. Where were you born?

11 A. Dominican Republic.

12 Q. When did you first come to the United States?

13 A. When I was six years old.

14 Q. And so, how old are you now?

15 A. Thirty-four.

16 Q. What year was that when you first came to the United  
17 States?

18 A. January, 1986.

19 Q. Are you in this country legally?

20 A. Yes.

21 Q. What is your immigration status?

22 A. I'm a resident.

23 Q. And --

24 A. Resident of the United States.

25 Q. And are you a United States citizen?

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Minaya - direct

1 A. No.

2 Q. Where did you grow up?

3 A. Bronx, New York.

4 Q. Where do you currently live?

5 A. MDC, Brooklyn.

6 Q. What is the MDC, Brooklyn?

7 A. It's a jail.

8 Q. Federal jail?

9 A. Federal jail.

10 Q. How long have you been in prison?

11 A. 83 months.

12 Q. Since -- what day --

13 A. March 27, 2006.

14 Q. -- were you arrested?

15 Where were you arrested?

16 A. Manhattan, New York.

17 Q. Do you remember the street you were arrested on?

18 A. Yeah, 185th and St. Nicholas.

19 Q. What part of Manhattan is that?

20 A. Washington Heights.

21 Q. Now, just briefly, Mr. Minaya, what did you do that first  
22 led to your arrest back then.

23 A. Drug conspiracy.

24 Q. And when you say "drug conspiracy," were you selling drugs  
25 alone or with other people?

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Minaya - direct

1 A. With other people.

2 Q. And what kind of drugs were you arrested for selling?

3 A. Cocaine.

4 Q. Now, eventually, were you charged with, and did you plead  
5 guilty to, other crimes?

6 A. Yeah. In 2010, I pleaded to murder and drug conspiracy.

7 Q. And when was the murder that you pled guilty to  
8 participating in?

9 A. February 2000.

10 Q. How many people died during that --

11 A. Two people.

12 Q. -- murder?

13 A. Two people.

14 Excuse me?

15 A. Two people.

16 Q. Now, did you commit that murder -- or did you participate  
17 in that murder alone, or with other people?

18 A. With other people.

19 Q. What was your role in the murders?

20 A. It was my connect, and I set them up. To get killed.

21 Q. When you say it was your "connect," how many people died?

22 A. Two people.

23 Q. Were both people that died part of the drug business you  
24 were working in?

25 A. Yes, sir.

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Minaya - direct

1 Q. Now, what does it mean when you say he was your "connect?"

2 A. My connect means that they was the one giving me drugs to  
3 sell.

4 Q. What kind of drugs were they giving you?

5 A. Cocaine.

6 Q. Now, who else was involved in the murders?

7 A. Sonny, DiFrank, Aladino, Zak, Gordo, Patrick, and another  
8 shooter, I don't know.

9 Q. You said "another shooter" that you don't know, do you know  
10 anything about the other shooter?

11 A. They just told me it was Patrick's cousin.

12 Q. I'm showing you a number of documents or photographs that  
13 have been marked for identification as government exhibits two,  
14 three, five, six, seven, eight, nine, and 13. Will you take a  
15 moment and look through those exhibits and tell me whether you  
16 know the people that are depicted in each of those pictures?

17 A. Yeah.

18 Q. Without saying, just look through all of them at once, Mr.  
19 Minaya, and just say whether you know everybody in those  
20 pictures.

21 A. Yes, I do, sir. Yes.

22 Q. You know everyone that's is in the pictures that I gave  
23 you?

24 A. Yes, sir.

25 Q. If you could tell me the exhibit number you are looking at,

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Minaya - direct

1 who the person is, and how you know them.

2 Just keep your voice up while you're looking down,  
3 please.

4 THE COURT: Is it okay with you, that procedure,  
5 Mr. Richman?

6 MR. RICHMAN: Yes, I have no problem with that, sir.

7 A. Yeah, government exhibit 2, Patrick.

8 Q. Do you know Patrick's full name?

9 A. I don't know his last name.

10 Q. You only know him as Patrick?

11 A. Yes.

12 Q. And who is Patrick?

13 A. Patrick was one of the shooters.

14 Q. Go ahead to the next one, please.

15 A. Government exhibit 3, that's myself, Geoffrey Minaya.

16 Q. Okay.

17 A. Government exhibit 5, that's Aladino, Manuel Suero.

18 Q. How do you know Aladino Manuel Suero?

19 A. My brother-in-law.

20 Q. Did you commit crimes with him?

21 A. Yes, sir.

22 Q. Go ahead.

23 A. Government exhibit 6, Zak, Albero Reyes.

24 Q. So his name is Albero Reyes, but you call him "Zak?"

25 A. Yes.



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Minaya - direct

1 Q. How do you know Mr. Reyes?

2 A. He was one of the guys participated in the murder. He  
3 drived the guys to the building.

4 Q. Okay, go on.

5 A. Government exhibit 7, Sonny Cruz.

6 Q. How do you know Sonny Cruz?

7 A. He used to work with me selling drugs and participated in  
8 the murders.

9 Q. Go on.

10 A. Government exhibit 8, Carlo Correa.

11 Q. How do you know Carlos Correa?

12 A. He is my cousin.

13 Q. Go ahead.

14 A. Government exhibit 9, DiFrank Medina.

15 (Continued on next page)

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D2KMFER2

Minaya - direct

1 Q. How do you know DiFrank Medina?

2 A. He used to work to me selling drugs and participating in  
3 the murder. Government Exhibit 7, Gordo.

4 Q. Which government exhibit is that?

5 A. Government Exhibit 13.

6 Q. Do you know Gordo's government name or real name?

7 A. I think Jose Rodriguez.

8 Q. How do you know Jose Rodriguez, or Gordo?

9 A. He participated with me in selling drugs and in the murder.

10 MR. BLANCHE: Your Honor, the government offers  
11 Government Exhibits 2, 3, 5, 6, 7, 8, 9, and 13.

12 MR. RICHMAN: No objection.

13 THE COURT: Received.

14 (Government's Exhibits 2, 3, 5, 6, 7, 8, 9, and 13  
15 received in evidence)

16 MR. BLANCHE: Ms. Quinones, can you put up government  
17 Exhibit 2 for the jury.

18 Q. If you can look at your screen, Mr. Minaya, who is that?

19 A. Patrick.

20 Q. How do you know Patrick?

21 A. He was one of the shooters in the murder.

22 Q. Aside from being one of the shooters in the murder, how  
23 else did you know Patrick?

24 A. I know him growing up, through my cousin. I know he used  
25 to sell drugs. He had a business called Live Wire Sound,

D2KMFER2

Minaya - direct

1 Gordo.

2 Q. The business Live Wire, do you know what they did?

3 A. They did stashes in a car.

4 Q. What is a stash?

5 A. Secret compartments.

6 Q. When you say they did that, what do you mean?

7 A. They used to build for drug dealers secret compartments in  
8 cars.

9 Q. It was like an auto body shop, is that fair?

10 A. Yes, auto sound.

11 MR. BLANCHE: If you could put up Government Exhibit  
12 5.

13 Q. Who are we looking at in Government Exhibit 5?

14 A. Manuel Suero, my brother-in-law.

15 Q. Does he go by another name?

16 A. Yeah. Aladino.

17 Q. What role, if any, did Mr. Suero have in the murder?

18 A. He was one of the one that planned it with me, Gordo, Zac,  
19 to murder the two people.

20 MR. BLANCHE: If we could put up Government Exhibit 6,  
21 please.

22 Q. Who are we looking at in Government Exhibit 6, Mr. Minaya?

23 A. Zac.

24 Q. And do you know his government name?

25 A. Albero Reyes.

D2KMFER2

Minaya - direct

1 Q. What role, if any, did Mr. Reyes have in the murders?

2 A. He picked up the two guys in the hotel and drove them to  
3 the building where they got killed.

4 Q. You said the two guys. You mean the two victims?

5 A. The two victims, yes.

6 Q. We are going to obviously come back to that in a minute.

7 But, first, if we can just talk a little bit more about your  
8 background. How far did you go in school?

9 A. 11th grade.

10 Q. Where did you go to school?

11 A. In Manhattan, New York, Park West High School.

12 Q. Do you have a family?

13 A. Yes.

14 Q. Do you have children?

15 A. Yes.

16 Q. How many kids do you have?

17 A. Two daughters.

18 Q. Are you married?

19 A. Divorced.

20 Q. When did you get divorced?

21 A. While I was in jail. I think 2007, 2008.

22 Q. Now, you talked a little bit about your drug dealing and  
23 that you were arrested for drug dealing. When did you first  
24 start committing crimes?

25 A. I was 17, 1995.

D2KMFER2

Minaya - direct

1 Q. What were you doing at that time in your life?

2 A. I was driving for some guy. I was delivering money for one  
3 of my brother-in-law in Washington Heights.

4 THE COURT: Do you have a loud voice, actually?

5 THE WITNESS: I was delivering money --

6 THE COURT: I'm asking a question. Do you have a loud  
7 voice?

8 THE WITNESS: Not really.

9 THE COURT: You can't speak loud? Make believe you're  
10 on the street corner. Can you speak loud? Sit back. Talk  
11 loud.

12 Q. You were delivering money, you said?

13 A. Yes, sir.

14 Q. For whom?

15 A. For one of my brother-in-laws.

16 Q. And why was that illegal?

17 A. Because it was from drug proceeds.

18 Q. The money was from selling drugs?

19 A. Yes.

20 Q. What kind of drugs?

21 A. Cocaine.

22 Q. How long did you do that for?

23 A. A couple -- eight, nine months.

24 Q. When you say you were delivering money, what quantities of  
25 money were you delivering?

D2KMFER2

Minaya - direct

1 A. 80,000 at a time, 60,000, 200,000.

2 Q. And where were you picking it up from and where were you  
3 taking it to?

4 A. I used to pick it up at 144th and Broadway and deliver it  
5 to Yonkers, New York.

6 Q. Deliver it to where?

7 A. Yonkers, New York.

8 Q. Now, after that time what did you do next as far as  
9 committing crimes?

10 A. After that, I started working with a friend of mine named  
11 Yubel. He was doing credit card fraud. I was driving for him  
12 upstate and places like that.

13 Q. You said Yubel?

14 A. Yes.

15 Q. Y-u-b-e-l?

16 A. Yes.

17 Q. When you say you were driving with him committing credit  
18 card fraud, what do you mean?

19 A. Buy stuff with stolen credit cards. So we used to go to  
20 like upstate and to the malls, buy things, and then I used to  
21 drive him back.

22 Q. What time frame were you doing that?

23 A. Eight, nine months.

24 Q. Now, is that about 1997 or so?

25 A. Yes, sir.

D2KMFER2

Minaya - direct

1 Q. What happened next?

2 A. After that, Yubel, he used to be a truck driver and he was  
3 delivering money and bringing drugs from Los Angeles. And one  
4 of those trips he decided to rob the guy who he was doing it  
5 for and he robbed him for \$500,000.

6 Q. When you say he robbed him, how was he going to take the  
7 money?

8 A. He was supposed to deliver to Los Angeles \$500,000 cash.

9 Q. Do you have an understanding of how he did it?

10 A. He just disappeared with the money and he called me from an  
11 apartment he had, and he told me that he was going to go to the  
12 Dominican Republic with the money. He gave me some part of the  
13 money.

14 Q. How much money did he give you?

15 A. \$80,000.

16 Q. What role did you have in helping him?

17 A. I was helping him stash the money and delivering some money  
18 around.

19 Q. What do you mean by that?

20 A. Like money he used to send to Dominican Republic. I took  
21 it to different people to make the delivery.

22 Q. Keep on keeping your voice up, please.

23 A. Yes.

24 Q. What did you do after you made that money?

25 A. I went to the Dominican Republic.

D2KMFER2

Minaya - direct

1 Q. For how long?

2 A. The summer '97.

3 Q. What did you spend the money on?

4 A. I bought car, I bought a piece of land, and then I came  
5 back, you know, nightclubs and stuff, clothes.

6 Q. At that point of your life were you part of Yubel's drug  
7 business or did you just help him with that deal?

8 A. No. I helped him with that deal.

9 Q. What happened when you came back to New York?

10 A. That's when I started to selling drugs.

11 Q. What kind of drugs were you selling?

12 A. Cocaine.

13 Q. When is this? What year is this?

14 A. September '97.

15 Q. September of 1997?

16 A. Yes.

17 Q. Tell us about the cocaine business. How were you selling  
18 cocaine?

19 A. The first deal I bought 250 grams of cocaine and 140th and  
20 Broadway. And tried to distribute, sell it by -- little by  
21 little.

22 Q. How were you able to buy 250 grams of cocaine?

23 A. From the \$80,000 that I had from Yubel.

24 Q. Do you remember how much you had to pay for the cocaine?

25 A. I can't remember exactly right now.



D2KMFER2

Minaya - direct

1 Q. Over the years would it have been a few hundred dollars for  
2 all that cocaine or many thousand dollars?

3 A. I would say like \$6,000, probably.

4 Q. For the 250 grams?

5 A. Yes.

6 Q. How were you able to resell it? What did you do to resell  
7 it?

8 A. Back in the Bronx, sell it, you know, \$20 a bag and \$40 a  
9 bag of cocaine.

10 Q. If you paid, for example, \$6,000 for the 250 grams, how  
11 much money were you able to make?

12 A. Probably about \$2,000.

13 Q. So total you collected about \$8,000 in that scenario?

14 A. Yes.

15 Q. Were you doing that by yourself or with other people?

16 A. By myself.

17 Q. What happened next?

18 A. After that, I made -- I met a friend of my sister, he was  
19 working to Ohio, selling drugs to Ohio.

20 Q. What kind of drugs were being sold in Ohio?

21 A. Heroin and cocaine sometimes.

22 Q. What was your job in that organization, working with that  
23 guy?

24 A. First, I was trying to get some heroin so he could sell it  
25 in Ohio. That's how we started dealing.

D2KMFER2

Minaya - direct

1 Q. Were you successful?

2 A. Yes.

3 Q. Did you sell drugs in Ohio?

4 A. Yes.

5 Q. By the way, what was the name of that person?

6 A. Johnny.

7 Q. Do you know his last name?

8 A. No.

9 Q. What happened next?

10 A. After that, I say like 1998, the first part of 1998, that's  
11 when we was selling drugs, taking heroin from New York to Ohio  
12 and back and forth. After that, he got arrested.

13 Q. When you say he, who is he?

14 A. Johnny.

15 Q. What, if anything, happened after Johnny got arrested?

16 A. He left me his customers that he had in Ohio, so I started  
17 dealing with them. First cocaine and heroin.

18 Q. Where was Johnny arrested, Ohio or New York?

19 A. New York.

20 Q. Did you communicate with Johnny about what was going to  
21 happen since he got arrested?

22 A. Yeah. I went to visit him at Rikers Island.

23 Q. What happened as a result of that meeting?

24 A. He told me a cousin that he had, that me and his cousin  
25 were going to take care of the customers he had in Ohio.

D2KMFER2

Minaya - direct

1 Q. Did you agree to do that?

2 A. Yes, sir.

3 Q. So what happened next then?

4 A. After that, I was going to take two and a half kilos to  
5 Ohio to sell them, and I got arrested in New York.

6 Q. Two and a half kilos of what?

7 A. Cocaine.

8 Q. Where were you arrested on that occasion?

9 A. In Manhattan, New York, downtown.

10 Q. Were you arrested on the street, in a car?

11 A. In a taxi.

12 Q. Were you with anybody else?

13 A. Yeah. Two other friend of mines.

14 Q. Who?

15 A. Braulio and Steven.

16 THE COURT: Sit back, speak loud. Pull your chair up  
17 closer.

18 Q. Was he selling drugs with you as well?

19 A. Yes.

20 Q. What happened with that case?

21 A. It got dismissed.

22 Q. Do you have an understanding as to why it got dismissed?

23 A. My lawyer told me because they didn't have a search warrant  
24 in the car.

25 Q. Where were the drugs in the car?

D2KMFER2

Minaya - direct

1 A. In the trunk.

2 Q. So what happened next as far as your drug dealing?

3 A. After that, I came out, the guy who gave me the two and a  
4 half kilos to sell it, I told him, I owe him that money. He  
5 gave me five more kilos so I could make some money up and start  
6 to pay him.

7 Q. Did that work?

8 A. Yeah, it did.

9 Q. Where did you sell those drugs?

10 A. In Ohio.

11 Q. So what happened next?

12 A. After that, I made a few trips to Ohio, a couple -- for a  
13 couple of months I was back and forth from New York to Ohio.  
14 Then I met a guy named Tony from the Bronx, and the guy was  
15 selling drugs in Ohio, too.

16 Q. Can you spell that name for me, please?

17 A. T-o-n-y.

18 Q. And you said Tony was also selling drugs in Ohio?

19 A. Yes.

20 Q. What, if anything, happened as far as your drug business  
21 after you met Tony?

22 A. We did a couple of business. Then that's when he had a  
23 Mexican connect. That's when I met him in Ohio.

24 Q. Do you remember the name of the Mexican connect, as you  
25 call it?

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Minaya - direct

1 A. Toño.

2 Q. Can you spell that?

3 A. T-o-n-o.

4 Q. And so did you end up meeting with Toño?

5 A. Yes, I did.

6 Q. What happened as a result of that meeting?

7 A. We met a few times. After that, Tony left to the Dominican  
8 Republic, owing him money. He owed money to the Mexican. And  
9 one day he just came up to me, the Mexican came up to me and  
10 told me that, you know, Tony owed him some money and stuff. So  
11 I say, I don't got nothing to deal with that. He said. We can  
12 start making business.

13 Q. Did you agree?

14 A. Yes.

15 Q. What happened next?

16 A. He gave me his beeper number. He told me if I want to make  
17 business with him I could go to Chicago and start buying cash  
18 the cocaine.

19 Q. Had you ever gone to Chicago before then?

20 A. Before that, no.

21 Q. And did you agree to do that?

22 A. Yes, I did, sir.

23 Q. About when in your life did this happen?

24 A. It was after the summer of 1999.

25 Q. So did you go to Chicago?

D2KMFER2

Minaya - direct

1 A. Yes.

2 Q. What happened?

3 A. Me and my cousin of mine, his name is Isaisa.

4 Q. Can you spell that?

5 A. I-s-a-i-s-a.

6 Q. Was he selling drugs with you?

7 A. Yes.

8 Q. What happened when you went to Chicago?

9 A. We started buying ten kilos cash from Toño.

10 THE COURT: You ought to speak louder.

11 Q. Was it your intention to sell the drugs that you bought in  
12 Chicago?

13 A. No. In New York.

14 Q. What did you do after you bought the drugs?

15 A. We drive back to New York.

16 Q. With the drugs?

17 A. Yes.

18 Q. Where were the drugs when you drove back to New York?

19 A. In the secret compartment in the car.

20 Q. What kind of car was it?

21 A. A Ford Taurus.

22 Q. What kind?

23 A. Ford Taurus.

24 Q. Where was the secret compartment?

25 A. In the dash.

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Minaya - direct

1 Q. Can you explain how it worked?

2 A. It had a few combinations and the whole radio comes out and  
3 you could stash the drugs inside there.

4 Q. When you said it had a few combinations, do you remember  
5 exactly what the combinations were, as you sit here today?

6 A. No, I don't.

7 Q. What do you mean when you say it had a few combinations?  
8 Can you give the jury an example of what it could have been?

9 A. For example, put the heater on, and you can put down one of  
10 the windows buttons, and it works like that.

11 Q. If you did a series of push the buttons, then the trap  
12 would open?

13 A. Yes, sir.

14 Q. How big was the trap?

15 A. It was -- it fitted ten kilograms.

16 Q. Can you describe for the jury about how much space it would  
17 take to hold ten kilograms of cocaine?

18 A. I would say from here to here. It was in the dash of a  
19 car.

20 Q. Indicating about three feet. Is that about right?

21 A. Yeah. Two and a half, three feet.

22 Q. How wide was it?

23 A. This wide.

24 Q. Just about a foot, little more than a foot?

25 A. Yeah.

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Minaya - direct

1 THE COURT: Is that in place of the radio or in back  
2 of the radio?

3 THE WITNESS: In back of the radio.

4 THE COURT: I didn't know there was that much space in  
5 a car.

6 THE WITNESS: My whole arm used to fit.

7 THE COURT: Ten kilos are about 22 pounds, for the  
8 jury.

9 Q. So that's how you got the drugs from Chicago to New York,  
10 correct?

11 A. Yes.

12 Q. What happened when you got the drugs to New York?

13 A. My cousin took five kilos to Providence, Rhode Island, and  
14 I sell my five kilos here in New York. I sell it to Zac, my  
15 brother-in-law, Aladino, and Gordo.

16 MR. BLANCHE: Can we please put up Government's  
17 Exhibits 5 and 13.

18 Q. We have seen Government Exhibit 5 before, Mr. Minaya. But  
19 Government Exhibit 13, who is that?

20 A. Gordo.

21 Q. When you say you sold your kilos to them, do you know  
22 whether anybody else was working with Gordo and Aladino selling  
23 drugs at that time?

24 A. Zac.

25 Q. Zac, one of the pictures we looked at earlier?



D2KMFER2

Minaya - direct

1 A. Yeah.

2 Q. So can you explain to the jury how you were able to make  
3 money during these transactions?

4 A. In Chicago I used to get like for 17,000, sell it here for  
5 21,000.

6 Q. And so how would you personally make money? Would you be  
7 able to sell it for 21,000 to Gordo and Aladino, or would that  
8 be the total amount of money it can be sold for?

9 A. No. I make money selling to Aladino and Gordo for 21,000.

10 Q. Do you know how much or what they did with the kilograms  
11 they bought from you as far as reselling it?

12 A. They have some African American customers from Maryland  
13 that used to buy from them for like 23,000. They used to make  
14 like \$2,000 a kilo.

15 Q. They were able to make \$2,000 a kilo, you made \$4,000 a  
16 kilo, and then you had to buy it from Chicago, correct?

17 A. Yes.

18 Q. When you purchased the ten kilograms of cocaine from  
19 Chicago, did you have to pay for each kilogram up front?

20 A. Yes.

21 Q. Is that always the case in the drug business?

22 A. No, it's not.

23 Q. What's another option?

24 A. Consignment, credit.

25 Q. How would you be able to buy drugs on consignment or

D2KMFER2

Minaya - direct

1 credit?

2 A. No. You agree with your connection, whoever is selling it  
3 to you, like how much drugs can you sell, move. And you agree  
4 with them, they trust you, they will give the drugs out front.

5 Q. If you're buying large quantities of cocaine, is that  
6 better or worse?

7 A. It's better.

8 Q. Why?

9 A. You make more money.

10 Q. How are you able to make more money doing that?

11 A. Because you can resell it, you can take your time and  
12 resell it to other people.

13 Q. After the first trip from Chicago to New York, what  
14 happened next?

15 A. We made a couple of trips like that.

16 THE COURT: Do you pay interest?

17 THE WITNESS: No.

18 THE COURT: Are you expected to pay within a certain  
19 period of time?

20 THE WITNESS: They could give you a week to pay if  
21 you're on credit.

22 THE COURT: That means you have up to a week to sell  
23 it?

24 THE WITNESS: Yeah.

25 THE COURT: How do you pay? Do you deliver the money

D2KMFER2

Minaya - direct

1 yourself or do you send a check?

2 THE WITNESS: No. Deliver the money cash.

3 THE COURT: You have to make another trip to Chicago  
4 for that?

5 THE WITNESS: Yes. We was buying the cash when we get  
6 to Chicago. We was bringing the money up.

7 THE COURT: You're making regular trips to Chicago to  
8 pick up drugs and bring back the money?

9 THE WITNESS: Yes, sir.

10 THE COURT: Every week, more or less?

11 THE WITNESS: We did it for a couple of months. Let's  
12 say from September to November of '99.

13 Q. When you were going back to Chicago, you had to pay up  
14 front 17,000 or how much the cocaine cost per kilogram, is that  
15 correct?

16 A. Yes, sir.

17 Q. As the judge has indicated, you paid with United States  
18 currency?

19 A. Yes, cash.

20 Q. If you were buying ten kilograms, that's a lot of United  
21 States currency, correct?

22 A. Yes.

23 Q. How much space would that United States currency take up in  
24 your car?

25 A. We used to make up \$20,000 a pack, let's say a square pack,

D2KMFER2

Minaya - direct

1 square pack of it with plastic and stuff on it.

2 THE COURT: What kind of bills did you use?

3 THE WITNESS: \$20 bill, \$50 bill, \$100 bill.

4 Q. How are you able to count the money?

5 A. By hand. At that time by hand.

6 Q. So when you took the money to Chicago, did you use the  
7 trap?

8 A. Yes.

9 Q. And the same car each time?

10 A. Yes, same car. We had two cars. We had a Honda Accord and  
11 a Ford Taurus.

12 Q. Did the Honda Accord also have a stash or a trap in it?

13 A. Yes, sir.

14 Q. Where was the stash or the trap in the Honda Accord?

15 A. In the back seat. It was in the fuel tank of the car.

16 Q. Can you describe how you got to that trap in the Honda  
17 Accord?

18 A. You have to take the back seat off and do the same thing  
19 with different buttons. There is a combination, you hit it,  
20 and a tap used to come up and used to put the drugs in there.

21 Q. Or money?

22 A. Or money, yeah.

23 Q. Did you have those traps installed on those cars?

24 A. What was that?

25 Q. Did you have the traps put into those cars?

D2KMFER2

Minaya - direct

1 A. Yes.

2 Q. Where did you have it done?

3 A. In Gordo's place.

4 Q. The place you talked about earlier?

5 A. Yeah. Live Wire.

6 Q. What was it called?

7 A. Live Wire.

8 Q. Now, you said a couple of times you made a few trips to  
9 Chicago, correct?

10 A. Yes.

11 Q. On each trip how many kilograms of cocaine did you buy?

12 A. Ten.

13 Q. And did the price of the kilograms fluctuate at all during  
14 that time?

15 A. Yeah. \$500 difference. Not much.

16 Q. When you say \$500 difference, you mean per kilogram?

17 A. Per kilogram.

18 Q. Did you have and understanding as to why the price went up  
19 or down?

20 A. In the drug game it always happens. Sometimes a week it  
21 can be \$500 less. The next week it would be a thousand dollars  
22 more. It all depends.

23 Q. What happened next?

24 A. After that, I talked to my cousin. We agreed that we was  
25 going to talk to the Mexicans to see if they can give us credit

D2KMFER2

Minaya - direct

1 or consignment because we was making the trip over there just  
2 for ten kilograms. We just wanted to step up the game, get  
3 more drugs so we could make more money.

4 Q. Did you guys do that?

5 A. Yes.

6 Q. What happened when you talked?

7 A. I told them that we was going to stop coming to Chicago  
8 because, you know, we was only getting like the ten kilograms.  
9 We was getting like no credit or nothing. And they told me  
10 that they was going to check with a friend of his that was  
11 supposed to have some blow and they were supposed to wait for a  
12 big load. They were waiting for a big load of cocaine. When  
13 that happens, they could give us credit.

14 Q. What happened next?

15 A. That night -- the next day he call up a friend of him and  
16 tell him, you know, what was going on about the drug business  
17 we was doing. And told him we could sell, you know, the drug  
18 in New York and stuff. The friend agreed to give us 100  
19 kilograms. They was going to come with us to New York and they  
20 was going to bring 100 kilograms with us to sell.

21 Q. When you say they, who is going to come to New York?

22 A. That day, that was the day I met Johan, another Mexican  
23 friend. It was Johan, Toño and Sedronio.

24 Q. So what happened next?

25 A. We agreed on the price. They was going to give it to us

D2KMFER2

Minaya - direct

1 for like 18,000, if I remember right. And what we did was, we  
2 was supposed to get a bigger car so we could stash the 100  
3 kilos and bring it down to New York. What I did was, I flew to  
4 New York and my cousin send me somewhere to pick up a minivan  
5 that had a secret compartment on it.

6 Q. This is the third car that you had access to that had a  
7 secret compartment?

8 A. Yes, sir.

9 Q. So what happened with that minivan?

10 A. One of my cousin's friends, he drove it back to Chicago to  
11 pick up the drugs.

12 Q. Do you remember his name?

13 A. Arafat.

14 THE COURT: Spell it.

15 THE WITNESS: A-r-a-f-a-t.

16 Q. So what happened when you drove back to Chicago?

17 A. I was in New York. I flew to New York, like I said. They  
18 were in Chicago. So they called me and said that in the single  
19 compartment you only fitted 44 kilos of cocaine.

20 Q. So the secret compartment in the minivan that had been  
21 driven out there wouldn't hold the 100 kilograms?

22 A. No. Only 44.

23 Q. So what happened?

24 A. They drove it to New York. They came to New York.

25 Q. With just 44 kilos?

D2KMFER2

Minaya - direct

1 A. Yes.

2 Q. Who is the they that drove it to New York?

3 A. My cousin, Isaisa, Toño, Sedronio, and Johan.

4 Q. What happened when the cocaine got to New York?

5 A. We started to sell it.

6 Q. Who did you sell it to?

7 A. To Gordo and Aladino and Zac.

8 Q. We just saw Gordo and Aladino.

9 MR. BLANCHE: Ms. Quinones, if you can put up

10 Government Exhibit 6.

11 Q. Who is that?

12 A. Zac.

13 Q. You sold it to the two individuals we saw a minute ago and  
14 the person in Government Exhibit 6, is that right?

15 A. Yes, sir.

16 Q. And do you remember the financial arrangement for this deal  
17 with these three men?

18 A. With Gordo and Aladino?

19 Q. Yes.

20 A. Yes. I gave it to them. I can't remember exactly the  
21 price right now at that time, but I sell it to them. They were  
22 supposed to sell it for another price and pay me the money.

23 Q. Same like you said before, that you would make money and  
24 they would make money?

25 A. Yes, exactly.



D2KMFER2

Minaya - direct

1 Q. You talked about consignment. Were you required to pay the  
2 men in Chicago up front for the 44 kilograms?

3 A. No. That was done on credit.

4 Q. When the 44 kilograms came to New York, had you paid any  
5 money for that?

6 A. We paying like 170,000 that we had, we had on cash.

7 Q. How much was that, as far as overall value of the deal?

8 A. Like the 44 kilos, it was around \$700,000.

9 Q. You owed him a lot of money?

10 A. Yes.

11 Q. What happened when you started selling the kilograms to the  
12 people you were selling it to?

13 A. Money started to come in. I paid part of the load to  
14 Johan. He goes to Chicago, like \$400,000.

15 Q. Was that the rest that was owed or that was only part of  
16 it?

17 A. That was only part of it.

18 Q. What happened next?

19 A. After that, Toño and Sedronio stayed in New York.

20 THE COURT: What's the second name?

21 THE WITNESS: Toño Sedronio.

22 Q. What happened?

23 A. They told me that they were going to start receiving bigger  
24 load of cocaine, you know. It was already like December of  
25 '99.

D2KMFER2

Minaya - direct

1 Q. December of 1999, and they stay in New York and say there  
2 is another load coming. Did you have an understanding of where  
3 that load was going to be coming to?

4 A. Not at the time. After that, one day they called me up and  
5 we drove to Queens. He said we were supposed to meet somebody  
6 who was in charge of bringing the load from the border.

7 Q. When you say we drove to Queens, where were you mostly  
8 living during that time?

9 A. I was living in the Bronx.

10 Q. And so who called you and explain what you did?

11 A. Toño or Sedronio, one of them, I can't remember right now,  
12 called me up and we met. He said with me to go with them to  
13 Queens. They had to go pick somebody up or meet somebody to  
14 discuss the load, the big load of cocaine that was coming.

15 Q. Did you go to Queens?

16 A. Yes, I did.

17 Q. Alone or with somebody else?

18 A. It was me, Toño, and Sedronio. I can't remember if Sonni  
19 was with me at the time.

20 Q. Who is Sonni?

21 A. He was one of my --

22 Q. Is that one of the people that you looked at earlier?

23 A. Yeah.

24 MR. BLANCHE: Can we put up Government Exhibit 7,  
25 please.

D2KMFER2

Minaya - direct

1 Q. Who is that?

2 A. Sonni.

3 Q. At that time what were you doing, if anything, for Sonni?

4 A. He started driving around for me. He rented cars and drive  
5 for me, and that's how he started working with me.

6 Q. When you say driving for you, at that time what were you  
7 doing when you were driving around?

8 A. Collecting money, selling drugs.

9 Q. He was helping you being your driver in the drug business,  
10 is that fair?

11 A. Yes, sir.

12 Q. Did you go and met with them in Queens?

13 A. Yes.

14 Q. And what happened?

15 A. Toño and Sedronio, that's the first time I met Pancho.

16 Q. Who was Pancho?

17 A. He was one of the victims that got killed.

18 Q. Who was he?

19 A. One of the guys that got killed.

20 Q. I'm showing you Government Exhibit 65 for identification.

21 Do you recognize the picture depicted in Government  
22 Exhibit 65?

23 A. Yeah. That's Pancho.

24 Q. That's a picture of Pancho?

25 A. Yes.

D2KMFER2

Minaya - direct

1 MR. BLANCHE: The government offers Government Exhibit  
2 65.

3 THE COURT: Mr. Richman.

4 MR. RICHMAN: I have no objection.

5 THE COURT: Received.

6 (Government's Exhibit 65 received in evidence)

7 MR. BLANCHE: If we could publish Government Exhibit  
8 65 and highlight the picture. Just the picture.

9 Q. So the person depicted in that picture is the person you  
10 knew as Pancho?

11 A. Yes.

12 Q. You met him for the first time in Queens, correct?

13 A. Yes.

14 Q. And you mentioned this earlier. About when was this in  
15 your life?

16 A. December 1999.

17 Q. So what happened at that meeting in Queens?

18 A. They said -- they talk about tractor trailer that was going  
19 to come with a big load of cocaine.

20 Q. When you say they, who told you that?

21 A. Toño Sedronio.

22 Q. What, if anything, was Pancho saying during that meeting?

23 A. He was the one in charge of receiving the load over here  
24 and give it to Toño and Sedronio.

25 Q. From your discussion with them did you learn where the load

D2KMFER2

Minaya - direct

1 had come from?

2 A. Mexico.

3 Q. And what was in the load?

4 A. Cocaine.

5 Q. And did you learn where it was, where the drugs were?

6 A. No, not on that day. We didn't talk about it.

7 Q. What did you talk about?

8 A. They said that in a week or so they was supposed to come, a  
9 truck was supposed to come with a big load of cocaine. But  
10 they told me, you know, once they would get here, they would  
11 let me know.

12 Q. Did you agree at that point on how much cocaine you were  
13 going to get or how much you were going to have to pay for it?

14 A. No, not at that meeting.

15 Q. After that meeting, what happened next?

16 A. Like a week after that, one night Toño and Sedronio called  
17 me up and told me to drive to Mexican restaurant in the Bronx  
18 so I could meet them so they could talk to me.

19 Q. What was the purpose of that meeting?

20 A. They said to drive up there. We didn't talk on the phone.  
21 He say he was going to speak to me personally. So I drove over  
22 there with Sonni. We got there and they told me that they had  
23 a problem, that a truck, tractor trailer had come with the  
24 load, but the people that was supposed to receive it here have  
25 a storage to unload the truck, they didn't have it. So the

D2KMFER2

Minaya - direct

1 truck was stuck in Manhattan, New York. And they needed to  
2 unload the truck that night. They didn't have nobody to do it.

3 Q. Who was at that meeting?

4 A. Me, Sonni, Pancho, Sedronio, and Toño.

5 Q. You mentioned that the load was in the tractor trailer.

6 Did they tell you how much cocaine was in the tractor trailer?

7 A. They said it's supposed to be 400 kilos.

8 Q. How many?

9 A. 400.

10 Q. And that the tractor trailer was in Manhattan. Did you  
11 learn where the tractor trailer was?

12 A. Yeah. It was around 207th Street in Inwood, New York, in  
13 Inwood, Manhattan.

14 Q. During that meeting did it appear to you that things had  
15 not gone as planned as far as the drug deal?

16 A. Yes.

17 Q. What do you base that on?

18 A. Because, like I said, the people that was going to receive  
19 the truck, they didn't have no storage, no nothing. So the  
20 truck was parked in the street. And the truck had to go back  
21 the next morning. So they had to unload it that night. And  
22 they asked me and Sonni if we could unload the truck. So I  
23 tell them, you know what, I am not going to go and unload it  
24 myself. This guy want to do it, I'll talk to Sonni, and you  
25 want to do it, make some money, pay them, it could get done.

D2KMFER2

Minaya - direct

1 THE COURT: What was in the truck aside from the  
2 drugs?

3 THE WITNESS: Fruits.

4 THE COURT: Was the fruit in the truck and supposed to  
5 be unloaded?

6 THE WITNESS: Yeah.

7 THE COURT: After the unloading you would go on to  
8 deliver the fruit?

9 THE WITNESS: Exactly.

10 THE COURT: Where was the delivery of the fruit? Do  
11 you know?

12 THE WITNESS: I don't know, sir.

13 Q. During that meeting did you know where the cocaine was  
14 stored in the tractor trailer?

15 A. They said it was supposed to be in the middle of the  
16 fruits, in the back of the truck, in the back.

17 Q. Do you know what kind of fruit it was?

18 A. No.

19 Q. You mentioned that the people that were supposed to get the  
20 drugs didn't have storage. At that point did you have  
21 somewhere to store drugs?

22 A. Not at that time. Storage? I had an apartment.

23 THE COURT: You wouldn't drive a truck into an  
24 apartment.

25 THE WITNESS: Exactly.

D2KMFER2

Minaya - direct

1 A. I didn't have storage.

2 Q. You didn't have a storage facility or a way of getting a  
3 tractor trailer full of drugs into your apartment, correct?

4 A. No.

5 Q. When you said you had an apartment, was that an apartment  
6 that you slept at?

7 A. No. Just to stash drugs.

8 Q. Did you live there?

9 A. No.

10 Q. How did you stash drugs? How would he go about stashing  
11 drugs in an apartment like that?

12 A. Have the key, just stash it. Nobody will know.

13 Q. Is there furniture in the apartment?

14 A. I bought some furniture.

15 Q. Say that again.

16 A. I bought some furniture.

17 Q. Where was that apartment located at?

18 A. Matthews Avenue in the Bronx.

19 Q. Do you remember what it was the name of the building?

20 A. Crystal House.

21 Q. I'm showing you what's been marked for identification as  
22 Government Exhibit 70, 71, and 72.

23 Do you recognize what's depicted in those three  
24 pictures?

25 A. Yes. This is the building, the garage of the building, the



D2KMFER2

Minaya - direct

1 garage entrance of the Crystal House.

2 Q. Did you take those pictures?

3 A. No.

4 Q. Do they fairly and accurately show what it looked like when  
5 you lived there?

6 A. Yes.

7 MR. BLANCHE: The government offers Government  
8 Exhibits 70, 71, and 72.

9 MR. RICHMAN: No objection.

10 THE COURT: Received.

11 (Government's Exhibits 70, 71, and 72 received in  
12 evidence)

13 Q. You were talking a minute ago about that you told them that  
14 Sonni can work out a deal to unload the drugs, is that right?

15 A. Yes, sir.

16 Q. Do you know whether he did that?

17 A. Yes, he did.

18 Q. Were you part of that discussion, or no?

19 A. Not really. I let them talk to Sonni. Whatever money they  
20 was going to pay him, pay him directly, not through me.

21 Q. Now, you said how much money they were going to pay him.  
22 Do you know how much Sonni wanted to get paid?

23 A. Yeah. He wanted some money, I think like 80,000, 90,000.

24 I can't remember right now exactly. And they agreed to like  
25 50, 60,000, I think. I can't remember exactly the amount.

D2KMFER2

Minaya - direct

1 Q. And the 50 or 60,000, whatever number they agreed at, what  
2 was Sonni supposed to do to get that money?

3 A. Unload the truck, and then he was supposed to drive it to  
4 the Crystal House in Manhattan.

5 MR. BLANCHE: Can we put up Government Exhibit 70,  
6 please.

7 Q. What we are looking at there, what is that?

8 A. The entrance of the building.

9 Q. This is the building that you had your stash apartment in?

10 A. Yes, sir.

11 Q. The deal was that Sonni was going to unload the drugs and  
12 get them into your stash apartment at Crystal House?

13 A. Yes.

14 THE COURT: What is the number at Crystal House?

15 THE WITNESS: 2160.

16 THE COURT: On Matthews Avenue. What's the cross  
17 street?

18 THE WITNESS: Around Pelham Parkway.

19 Q. So what happened next? Did they agree that Sonni did it?

20 A. Yes, he did. That was when they agreed to it, that was  
21 when Sonni told me he needed somebody else to help him out and  
22 stuff. That's when he decided to call DiFrank to help him out.

23 Q. I believe you looked at a picture of DiFrank earlier?

24 A. Yes.

25 THE COURT: Do we really need the pictures?

D2KMFER2

Minaya - direct

1 MR. BLANCHE: Government Exhibit 9, please.

2 THE COURT: Do we really need the pictures,  
3 Mr. Blanche?

4 MR. BLANCHE: We have not seen the picture yet, your  
5 Honor.

6 THE COURT: New picture?

7 MR. BLANCHE: New picture.

8 THE COURT: You think we can distinguish one from the  
9 other? If you asked us which one is which, do you think any of  
10 us would be able to answer?

11 MR. BLANCHE: Not yet. By the end of the trial.

12 THE COURT: I'm looking forward to it.

13 Q. This is DiFrank?

14 A. Yes, sir.

15 Q. What happened next?

16 A. I called Gordo, Zac, and Aladino.

17 Q. And what did you say to Gordo, Zac, and Aladino?

18 A. They was going to give me a minivan so I could put the  
19 drugs in.

20 Q. Different minivan than the one you talked about before?

21 A. Yeah, different.

22 Q. What happened next?

23 A. They got the minivan, we meet up, and Sonni took the  
24 minivan with DiFrank and drove in back of the truck. Went to  
25 the truck and started to get the drugs out of the truck.

D2KMFER2

Minaya - direct

1 THE COURT: This is on the street at 207th Street in  
2 Manhattan?

3 THE WITNESS: Yes. It was on a side street. I don't  
4 know the name of it. One block down from 207th Street in  
5 Manhattan.

6 Q. And what time of the day or night was this?

7 A. It was at night. I can't recall right now the time, but it  
8 was probably like 9:00, 10:00 at night.

9 Q. There was no effort to move the semi truck somewhere else?  
10 They just leave it right there?

11 A. Yes, sir.

12 THE COURT: 207th Street goes from the Harlem River to  
13 the Hudson River. Do you remember where?

14 THE WITNESS: It's more to the Harlem River.

15 THE COURT: To the Harlem River.

16 THE WITNESS: Yes.

17 THE COURT: Underneath the 207th Street bridge?

18 THE WITNESS: Exactly. Where the supermarkets --

19 THE COURT: There is no housing around there.

20 THE WITNESS: No housing.

21 THE COURT: What time of day was it?

22 THE WITNESS: 9, 10:00 at night.

23 THE COURT: There is not much traffic there either.

24 THE WITNESS: No.

25 Q. Where were you when this was happening?

D2KMFER2

Minaya - direct

1 A. I was in the car, I can't remember who was driving at the  
2 time. I know I was with Pancho, and some other guy I can't  
3 remember who was driving for me.

4 Q. What were you all doing? Why were you guys there?

5 A. We told Sonni we was going to stay aware, if cops were to  
6 come or something, just watching everything comes out good.

7 Q. Who was actually involved in unloading the cocaine and  
8 putting it into the minivan?

9 A. DiFrank and Sonni.

10 Q. How long did it take them?

11 A. I'd say an hour and a half.

12 Q. Did it all fit into the minivan?

13 A. Yes, it did.

14 Q. Where was it in the minivan?

15 A. In the back.

16 Q. How much space does that much cocaine take?

17 A. A lot of space. They came in stack of 20 kilos. It was  
18 like this big.

19 Q. Indicating about three feet or so?

20 A. Yeah, I would say so.

21 Q. How high is each kilo? How high is it?

22 A. It can be like this high.

23 Q. About three inches, two or three inches?

24 A. Yeah.

25 Q. And so was the entire back of the minivan stacked with

D2KMFER2

Minaya - direct

1 cocaine?

2 A. Yes.

3 Q. What happened next?

4 A. He drove to Pelham Parkway. I followed him. He drove to  
5 Pelham Parkway to the Crystal House.

6 THE COURT: That creates a big smell, doesn't it?

7 THE WITNESS: They packed it up good.

8 THE COURT: The packing material is intended also to  
9 cancel the smell?

10 THE WITNESS: Yes, sir.

11 THE COURT: Afterwards, the minivan wouldn't smell.

12 THE WITNESS: Exactly.

13 Q. Did they make it to Crystal House?

14 A. Yes, they did.

15 Q. What happened next?

16 A. What Pancho told me to do is, we could take it upstairs to  
17 the apartment so we could count how much it really came from,  
18 from over there.

19 Q. Now, where did Sonni and DiFrank park the minivan?

20 A. Inside the garage.

21 MR. BLANCHE: If we can put up Government Exhibit 71.

22 Q. What are we looking at in Government Exhibit 71?

23 A. In the green thing is the entrance of the garage.

24 Q. I'm handing you a pointer, Mr. Minaya.

25 THE COURT: It's where the awning is, right?

D2KMFER2

Minaya - direct

1 THE WITNESS: Right.

2 Q. Where the green awning is?

3 A. Yeah.

4 THE COURT: The jury can see it.

5 MR. BLANCHE: If we can put up Government Exhibit 70  
6 next to that, please.

7 Q. Where is the entrance to Crystal House as it relates to  
8 where that green awning is?

9 A. To the right.

10 THE COURT: Where the red car is parked?

11 THE WITNESS: Exactly.

12 Q. Right above the exhibit sticker where the red car is.

13 Can you get to your apartment from underneath the  
14 garage?

15 A. No. You have to come outside and go through the main  
16 entrance.

17 Q. You have to come outside, walk along the street where those  
18 cars are and go into the front entrance of Crystal House?

19 A. Yes.

20 Q. So what happened?

21 A. I went up the apartment, me and Pancho went to the  
22 apartment upstairs and Sonni started to, with a bag, started to  
23 bring it up the drugs.

24 Q. What kind of bag?

25 A. It was a big bag.

D2KMFER2

Minaya - direct

1 Q. Did it have wheels? Was it just a gym bag?

2 A. It had wheels.

3 Q. And do you know how many kilograms of cocaine fit in each  
4 bag?

5 A. From 40 to 50 kilos.

6 Q. So how many trips did Sonni make?

7 A. He made a few trips. I say he had like 100 something kilos  
8 in the apartment already. And one of those trips, he called me  
9 from downstairs. He told me there were cops were there, you  
10 know, for me to get out of the apartment. The cops were there.

11 Q. Who called you?

12 A. Sonni.

13 Q. What did you do next?

14 A. I say to him if he was sure. He said, yeah, they were in  
15 front of the building. And he sound nervous and stuff. I  
16 said, you know, what I am not going to come down. Why don't  
17 you come up.

18 THE COURT: You're in the apartment?

19 THE WITNESS: Yes.

20 Q. With Pancho?

21 A. With Pancho in the apartment.

22 Q. You tell him to come up. Does he come up?

23 A. He waited a while to come up. And when he came up he told  
24 me that he left a whole bag with some kilos in front of the  
25 garage, right by the garbage, because the cop -- there was a



D2KMFER2

Minaya - direct

1 cop car there and they started to call him and he just ran into  
2 the building and came upstairs.

3 Q. He left the big suitcase right out on the street with the  
4 cocaine in it?

5 A. Yes, sir.

6 THE COURT: We call it a bag, not a suitcase. What is  
7 it?

8 THE WITNESS: It's like a suitcase with wheels.

9 Q. You're using your hands. How big was it?

10 A. Probably this tall. Big.

11 Q. Come up to above your waist if you were standing up?

12 A. Yes, sir.

13 Q. What happened next?

14 THE COURT: Was it like a golf bag?

15 THE WITNESS: Not really. It was like a suitcase.

16 A. I tell him, I called Zac, Aladino, and Gordo. They were  
17 around. And I tell them to check up, you know, what was going  
18 on downstairs and stuff. They told me to wait five minutes.  
19 After that, they came around. They said, you know what, I  
20 don't see nobody there. I don't know what's going on. I don't  
21 see nobody. At that same time Pancho is telling me to leave  
22 everything there, to get out of there so we can leave. I came  
23 down to go around, don't get desperate. Don't get scared.  
24 Let's see what happens. And after that, like I said, Gordo,  
25 Aladino, and Zac came through and they told me everything was

D2KMFER2

Minaya - direct

1 cool, everything was all right. What I told them is that I was  
2 going to send down Pancho first so he can go, to wait for them.  
3 Pancho came down, nothing happened. And they called me and  
4 everything was all right.

5 Q. They told you. You're communicating with Zac, Gordo, and  
6 Aladino?

7 A. Yes.

8 Q. What happened next?

9 A. After that, I came down. Me and Sonni came down. And when  
10 we came down, the bag was right in front of the garbage.  
11 Nobody had touched this. The suitcase was right in front of  
12 the garbage.

13 Q. Where did you put it?

14 A. Then, after that, Sonni, I told him, there is no cop or  
15 nothing. You probably was scared or something. So he said,  
16 you know what, I am going to get the bag. He got the suitcase  
17 and put it in the trunk of a rental car that we had, and he  
18 drove to Manhattan, New York.

19 Q. Do you know where Pancho had gone?

20 A. I remember I think he left with Gordo, Aladino, and Zac.

21 Q. He wasn't around when you guys took --

22 A. No. He already was with the other guys.

23 Q. What happened next?

24 A. We went to Mirage Restaurant in Manhattan.

25 Q. Who was there?

D2KMFER2

Minaya - direct

1 A. I got there, there was Pancho, Zac, Aladino, and Gordo.

2 Q. What happened when you were at that restaurant?

3 A. Pancho was real nervous. He told us to forget about the  
4 whole load. He had to call Mexico and tell them what was going  
5 on, that the cop was around and stuff. They tell him to just  
6 get out of there and just forget about the drugs.

7 Q. What, if anything, did you say in response to that?

8 A. I said, you know, for him to come down. We was trying to  
9 check what was going on and stuff.

10 Q. What happened next?

11 A. That's when the idea that came up to me and the guys,  
12 Gordo, Aladino and Zac. We could rob this guy with the whole  
13 load. And, you know, they say, leave everything like that,  
14 just to leave the drugs. We figure out that. I said -- we  
15 talk about it. I said, you know what, I have to talk to Sonni  
16 first to let him know about what's going to happen so he can  
17 know that he can say the same story then.

18 After that, I talked to Sonni about that. He didn't  
19 want to rob them. He said, no, he was not going to do that.

20 Q. Did he tell you why he didn't want to rob them?

21 A. No. He just said he didn't want to do that, that he was  
22 not a robber, he was not going to do it.

23 Q. What was your understanding of what was supposed to happen  
24 with all the kilograms of cocaine that ended up in your  
25 apartment? Were you going to get to sell a lot of those or did

D2KMFER2

Minaya - direct

1 Pancho have other people that they were owed to?

2 A. That load was supposed to go to somebody else at that time.

3 Q. You were only supposed to store it for him?

4 A. Exactly. To count it, count the drugs, and he said that  
5 before that he said we was going to count the drugs and stuff  
6 and another truck was supposed to come. From that truck they  
7 was going to give us the drugs to sell.

8 Q. After you had that discussion about possibly just stealing  
9 all the drugs, what happened next?

10 A. The next day I spoke to Sonni again. And I told him, yo,  
11 we could do this, and we still going to be all right with these  
12 people. They are not going to know. We are just going to tell  
13 them that the cops took it and stuff. He said no, no, no. He  
14 didn't want to do it. So my brother-in-law like threatened,  
15 Aladino, threatened and told him what he was doing and they  
16 arguing. I told the guy. I told Gordo, Zac, and Aladino that  
17 I couldn't do it. If Sonni was not down with it, I could not  
18 do it.

19 Q. So what happened? You guys do it or you didn't do it?

20 A. No, we didn't do it.

21 Q. What happened next?

22 A. I called Pancho and tell him that the whole load was there,  
23 that only the drug in the suitcase was the one that got  
24 missing.

25 Q. You lied to him?

D2KMFER2

Minaya - direct

1 A. Yes.

2 Q. When you said it went missing, did you tell him what  
3 happened?

4 A. No. I said somebody took the bag, the suitcase.

5 Q. Even though you guys had put the suitcase in the back of  
6 your rental car?

7 A. Yes, sir.

8 Q. What, if anything, did he say in response to that?

9 A. No. He was real happy. He said everything was all right.  
10 They were real happy with us. I tell him, you know what, from  
11 that load we are going to sell some of that drugs, though.  
12 They said to keep like 100 and something -- I can't remember  
13 right now how much exactly the amount of drug they said to kept  
14 and sell it. And the other amount we are supposed to give it  
15 to another guy here in New York.

16 Q. And did the other guy come and get the drugs from your  
17 apartment?

18 A. Yes. Sonni delivered it to him. It was supposed to be a  
19 Colombian guy. He delivered it to him. I don't know where at.  
20 I was not with him at the time.

21 Q. So from that load that you just talked about you were given  
22 about 100 kilos from Pancho?

23 A. Yeah. 100 and change.

24 Q. And plus there was 44 kilos that you stole, right?

25 A. Yes.

D2KMFER2

Minaya - direct

1 Q. What did you do with all those drugs?

2 A. Sell it.

3 Q. Again, are we still in late '99?

4 A. Yeah, late '99.

5 Q. How would you go about selling that quantity of cocaine?

6 A. You know, sell it to Gordo, Zac, and Aladino. Sonni sells  
7 some. DiFrank sells some, too.

8 Q. Who else besides the folks you just mentioned? Anybody  
9 else?

10 A. At that time, I can't remember right now somebody else.

11 Q. Practically speaking, how would you sell the drugs? The  
12 drugs are in your apartment. How would they go from your  
13 apartment to customers?

14 A. Sonni was in charge of delivering it, taking them down and  
15 delivering them.

16 Q. At some point during this time did you agree on a price per  
17 kilo with Pancho and the Mexican organization?

18 A. I did. But on that I can't remember the exact number right  
19 now.

20 Q. Do you remember approximately how much it would have been?

21 A. I said around 25,000, 24,000.

22 Q. Why would that be so much more than just a few months  
23 earlier?

24 A. Because like I said before, in the drug game sometimes it  
25 all depends. There comes a drought when there is not a lot of

D2KMFER2

Minaya - direct

1 drugs on the street or a big load hasn't come, so the price  
2 goes up. So it changes a lot the prices.

3 Q. How much money did you make from that deal, meaning the  
4 hundred kilos or so that you sold and the 44?

5 A. Around like 900,000.

6 Q. Profit?

7 A. Profit. I can't remember from the -- I say like 300,000  
8 from the 100 and change that they gave me to sell.

9 Q. And did you keep all that money or did you have to pay  
10 other people?

11 A. I had to pay other people, like Sonni, DiFrank.

12 Q. How much money did you give those men?

13 A. I can't remember right now.

14 Q. Big chunk of it you kept?

15 A. Yeah. I kept most of it.

16 Q. What were you spending your money on at that point?

17 A. At that point, not much at that time. I was laying low.

18 (Continued on next page)

D2k0fer3

Minaya - direct

1 Q. Where were you living at that point?

2 THE COURT: Sit up, sit up.

3 A. Cedric Avenue in the Bronx.

4 Q. Now, after that deal, what if anything happened next, as it  
5 relates to Poncho.

6 A. He was real happy with me. And he said not to do deals  
7 with Toño's, we was going to do it directly. And the people in  
8 Mexico, they were real happy with it. Then, they told me to  
9 send the money down to Texas and --

10 Q. When you say send money down to Texas, what do you mean?

11 A. Deliver the money there from the drugs I sell to -- I had  
12 to deliver it to Texas, McAllen, Texas.

13 Q. Was that your idea to do that, or did someone ask you to do  
14 that?

15 A. Poncho told me to do it.

16 Q. And so what happened?

17 A. The first trip they made over there, it was Zak and Sonny  
18 supposed to deliver the money.

19 Q. And how were they supposed to go about delivering the  
20 money?

21 A. On another mini van. They had a stash that we had. And he  
22 hold like 1.8 million, 1.3, 1.8 million.

23 Q. 1.8, 1.3, you don't remember the exact amount?

24 A. I can't remember the exact amount right now.

25 Q. Where was that money?



D2k0fer3

Minaya - direct

1 A. It was stashed in the -- I mean in the secret compartment,  
2 he had in like a double floor on the bottom of the mini van,  
3 which the -- the -- the passenger's seat comes up, and you put  
4 that -- the money and the drugs inside there.

5 Q. And that's where the -- the money was stored that was gonna  
6 go down to Texas?

7 A. Yes.

8 Q. So who did you ask to do that, again?

9 A. Zak and Sonny.

10 Q. And did Zak and Sonny agree to do it?

11 A. Yeah, they did. But, in the way I remember, it was like  
12 New Years Eve '99, 2000. And -- and on the way to Texas, Sonny  
13 was kind of nervous and scared, decided to stay in Chicago at  
14 Johan's house, the other Mexican.

15 Q. When he decided to stay in Chicago -- why were they in  
16 Chicago?

17 A. They were on the way to Texas, so they stopped.

18 Q. They left from New York City?

19 A. Yes.

20 Q. And they went to Chicago?

21 A. Through Chicago, yeah, the -- they went through there.

22 Q. And where did they have to go, if you know. Why were they  
23 going to see Johan?

24 A. No, they didn't went to see Johan, he -- it was on the way.  
25 Sonny got nervous. He said he was scared to make the whole

D2k0fer3

Minaya - direct

1 trip. I said what are you going to do? He said -- my idea was  
2 to call Johan, see if he could receive Sonny in Chicago.

3 Q. Did you make arrangements for Sonny or Zak to get paid for  
4 taking this money?

5 A. No, they was supposed to get paid over there in Texas by  
6 the Mexicans.

7 Q. Do you know how much they were supposed to be paid?

8 A. I can't remember.

9 Q. So do you know whether Zak continued on?

10 A. Yeah, he did.

11 Q. And so where did he go?

12 A. To McAllen, Texas. McAllen, Texas.

13 Q. And how do you know he did that?

14 A. Because of we was in communications by phone.

15 Q. And so what happened next?

16 A. He -- he got there, everything was fine. So like after  
17 that, in January 2000, I flew -- Johan said he wanted to speak  
18 to me. Poncho called me, he said that his boss wanted to meet  
19 me and talk to me, so when I could fly down there to -- to  
20 Texas.

21 Q. So did you -- and you did that?

22 A. Yes. But, first, I went to Chicago to Johan's house. And  
23 I met with Sonny and him over there.

24 Q. And what if anything did you talk about in Chicago?

25 A. No, just about future drug deals and stuff with Johan.

D2k0fer3

Minaya - direct

1 Q. Then you continued on to Texas?

2 A. Yeah, me and Sonny flew to Texas.

3 Q. Where did you fly to in Texas?

4 A. McAllen, Texas.

5 Q. And what happened when you got there?

6 A. That's when -- the first time I met Arturo.

7 Q. And who is Arturo?

8 A. One of the other guys that got killed.

9 Q. I'm showing you what's marked for identification as  
10 government exhibit 76.

11 Do you know, or do you recognize, the people that are  
12 depicted in government exhibit 76?

13 A. Yeah, that was -- the guy with the hat is Arturo. And the  
14 other guy was one of the guys that was with him.

15 Q. That was with Arturo?

16 A. Yeah.

17 MR. BLANCHE: The government offers government  
18 exhibit 76.

19 MR. RICHMAN: No objection.

20 THE COURT: Received.

21 MR. BLANCHE: Publish it, please, and highlight the  
22 person in the Yankees hat.

23 (Government's Exhibit 76 received in evidence)

24 BY MR. BLANCHE:

25 Q. Who are we looking at there?

D2k0fer3

Minaya - direct

1 A. Arturo.

2 Q. And is he -- is he the person, one of the people, you met  
3 with down in Texas?

4 A. Yes, sir.

5 Q. And he's eventually one of the --

6 A. The guy that got killed.

7 Q. One of the guys that got killed.

8 So what happened during that meeting in Texas?

9 A. We talk about, like, how much drugs I could sell or move at  
10 a certain time and stuff. I told them it all depend on the  
11 price they gave me. And that he said that what he was gonna  
12 do, is he was going to start to send me some tractor trailers  
13 of cocaine; 300, 250, depends. And I told them that, for that,  
14 you know, to let me know a few weeks, like a week or two before  
15 the truck was going to get to New York so I could get storage  
16 to where to unload the truck and have everything ready.

17 Q. And did the meeting went well?

18 A. Yeah, it did.

19 Q. What happened next?

20 A. After that, we stayed there to -- for two days, and then we  
21 came back to New York.

22 Q. How did you leave it with Arturo -- was Poncho also at that  
23 meeting?

24 A. I don't think so.

25 Q. Did you see Poncho when you were down in Texas?

D2k0fer3

Minaya - direct

1 A. No, I -- not that time.

2 Q. So how did you leave it with Arturo?

3 A. What's that?

4 Q. How did you leave it with him, how did you leave it with  
5 him?

6 A. Everything was -- it was good.

7 Q. And was your -- when you left, did you have an  
8 understanding as to whether -- of as to when the load was gonna  
9 come?

10 A. He said he was going to let me know a week or two before.

11 Q. So did you fly back to New York?

12 A. Yes.

13 Q. So what happened next?

14 A. After that, I stood in contact with them through cellular  
15 phones. I sent another mini van with money to Texas during  
16 that time. And, then, like in -- in, I said, beginning of  
17 February, that's when they called me to be ready. The truck  
18 was gonna come. The truck was gonna come to New York.

19 Q. And did -- did the truck eventually come?

20 A. Yes.

21 Q. So tell us about that.

22 A. Poncho and Arturo flew to New York. They were here before  
23 the truck was here. So we met to discuss how -- they told me  
24 there was supposed to be two trucks coming at the same time,  
25 probably one day, one day right in the middle of it. Supposed

D2k0fer3

Minaya - direct

1 to come two trucks. So I tell them, you know, to let me know  
2 the day so I could rent -- I had a friend I would rent a  
3 storage for the truck, so they can unload it.

4 Q. And did you in fact do that?

5 A. Yes, sir.

6 Q. Who was your friend?

7 A. Willie.

8 Q. And, did you sell drugs with Willie?

9 A. Yes.

10 Q. So, what happened next?

11 A. After that, I said -- like a week passed. So they told me  
12 that -- to rent the -- the storage. So I told Willie, he rent  
13 it. And he rented a -- a van, too, to -- so we could put the  
14 drugs in. And we had everything ready. So after that, the  
15 truck came to New York.

16 Q. And how did you find out about the trucks's arrival?

17 A. By Poncho and Arturo.

18 Q. Did they -- did you know where they were? Or how did you  
19 find out --

20 A. They was to the hotel and, you know, we used to  
21 meet sometimes in the day; go eat, you know, talk about it. So  
22 that's -- that's how I find out.

23 Q. So they were already in New York?

24 A. Yes, sir.

25 Q. And do you know when they flew to New York?

D2k0fer3

Minaya - direct

1 A. I know February of 2000, but --

2 Q. So do you know where the truck -- where was the truck when  
3 you got the phone call?

4 A. Was -- we were supposed to go pick it up in New Jersey,  
5 turnpike exit 7, truck stop.

6 Q. Did you do that?

7 A. Yes, I did.

8 Q. So tell us about how you made arrangements to do that; or  
9 how you did that.

10 A. Yeah. Me and Willie, we picked up Poncho. And Willie had  
11 a -- we needed a truck driver so he could bring it from -- from  
12 the truck stop to Queens, New York, where we had the storage to  
13 unload the truck.

14 Q. Do you know how to drive a tractor trailer?

15 A. No, sir.

16 Q. How -- do you know a tractor -- you knew a truck driver who  
17 could drive it?

18 A. Willie, my friend.

19 Q. So what happened?

20 A. We went there and picked up the truck and we drove it to  
21 storage in Queens. There was DiFrank and one of Willie -- one  
22 of Willie's other friends that was gonna unload the truck.

23 Q. Where -- do you recall where the cocaine was inside this  
24 truck?

25 A. It was in the same spot in the middle, in the middle of the

D2k0fer3

Minaya - direct

1 fruits.

2 Q. Do you know what kind of fruit it was?

3 A. I think it was lemons.

4 Q. It was what?

5 A. Lemons.

6 Q. When you arrived, or when you got to the rest stop, was the  
7 original driver of the truck around?

8 A. No, he left the key inside the truck. He just told Poncho,  
9 through a phone, where to find the truck. And the keys were in  
10 the inside the truck.

11 Q. You're going up, like above where the --

12 A. Yeah.

13 Q. -- above the driver's area?

14 A. Yeah.

15 Q. So where -- and where did you -- where did Willie drive the  
16 truck to?

17 A. To Queens, New York.

18 Q. And where in Queens?

19 A. It was around Grand Central Parkway, but I can't -- I  
20 can't --

21 Q. Where did he -- in particular, where did he take it?

22 A. After we unload it?

23 Q. It was -- was it at a storage facility?

24 A. Yeah, storage facility yes.

25 Q. So it was unloaded there?



D2k0fer3

Minaya - direct

1 A. Yes.

2 Q. Talk about how it was unloaded.

3 A. DiFrank and -- and the guy name Nasty, they unloaded the  
4 truck. They put it in the van. And then we took it to the  
5 Bronx, New York, where I had another apartment where I used to  
6 stash the drugs.

7 Q. And so it -- where was that apartment?

8 A. In Pelham Parkway.

9 Q. And how much drugs -- how much drugs did you end up  
10 unloading.

11 A. 274 kilos.

12 Q. How do you know that is the exact number?

13 A. That's what I remember.

14 Q. Did you count them?

15 A. Yes.

16 Q. When they were being unloaded in Queens, were you there?

17 A. Yes. I was around the block.

18 Q. Where was Poncho?

19 A. He was with me, in the mini van.

20 Q. Was Arturo around?

21 A. No, he was in the hotel.

22 Q. So, were you there when they were delivered to  
23 your apartment?

24 A. Yes, I followed them to -- to -- to the Bronx.

25 Q. Do you know when --

D2k0fer3

Minaya - direct

1 THE COURT: Members of the jury, a kilo is 2.2 pounds,  
2 so 274 kilos is approximately 575 pounds.

3 Q. And was this a mini van or full-size van?

4 A. Full-sized van where they transported the drugs.

5 Q. As the judge said, it was a lot, lot of drugs.

6 And where did you store, or where were the drugs  
7 stored inside the van?

8 A. It was like a cargo van, commercial van.

9 Q. And were they in boxes, or how were they -- how were they  
10 stored?

11 A. I think it was in boxes, that time.

12 Q. And was each kilogram in the van individually wrapped?

13 A. Yes.

14 Q. Inside whatever the wrapping was, was the cocaine?

15 A. Yes, sir.

16 Q. So where did the van park in your stash apartment?

17 A. Inside the garage of the building.

18 Q. Was there anything different about this garage compared to  
19 the garage we looked at earlier?

20 A. Yeah, this -- this garage that I have now, you could go  
21 through, internal, to the building.

22 Q. So immediate access to your apartment, you didn't have to  
23 go outside on the street?

24 A. Yeah.

25 Q. So who unloaded -- well, were the drugs unloaded from the

D2k0fer3

Minaya - direct

1 van into your apartment?

2 A. Yes, sir.

3 Q. Who did that?

4 A. DiFrank and Nasty.

5 Q. Where were you?

6 A. I was there.

7 Q. Inside your apartment?

8 A. I was there.

9 Q. Inside the apartment or the van?

10 A. In the apartment.

11 Q. Where, in the apartment, did you keep all of the drugs?

12 A. In closets.

13 Q. Was it just a regular closet?

14 A. Yeah, regular closet.

15 THE COURT: What's an irregular closet?

16 MR. BLANCHE: Well, fare question.

17 Q. Did the apartment -- did the closet have a trap in it, or a  
18 hidden floor or anything like that?

19 A. No, sir.

20 Q. Are you aware of any apartments that -- that did have like  
21 a fake floor?

22 A. Yeah. Gordo's, Zak and Aladino's apartment.

23 Q. And so there are some apartments that had --

24 A. Yeah.

25 Q. They were irregular, I suppose.

D2k0fer3

Minaya - direct

1 A. Yes.

2 Q. So what happened next, after you got all of the drugs in  
3 there?

4 A. I gave -- I gave hundred -- 110, 115 kilos to Willie so he  
5 could sell it; one-hundred-something to Gordo, Zak, and Aladino  
6 so they could sell it. And the rest DiFrank, Sonny, and Chino,  
7 they got -- they sold the rest of it.

8 Q. Who is Chino?

9 A. Chino, he was working for -- with me at the time.

10 Q. Now, we talked earlier in your testimony about consignment,  
11 or about paying up front.

12 Were you required to pay for these drugs up front?

13 A. No, it was on credit.

14 Q. Did you have to give any money to Poncho or Arturo up  
15 front?

16 A. No.

17 Q. So what was the deal with them, how were you gonna pay  
18 them?

19 A. They gave me a week to 10 days to pay them, to pay the  
20 whole load.

21 Q. And was that enough time for you?

22 A. Yeah.

23 Q. So just, again, talk about how the 274 kilos -- and you  
24 said you gave 100 to a couple of different people. How did  
25 those kilograms of cocaine get out of your apartment and onto

D2k0fer3

Minaya - direct

1 the streets?

2 A. Zak took their part, he came and drove it; Willie took his  
3 part and drove it; and then the other, the rest of the guys,  
4 Sonny and DiFrank, Chino LaLa, they took the -- the rest of it  
5 and --

6 Q. Do you -- so what was your job during that time?

7 A. Just supervise everything was all right and, you know, and  
8 make sure that they pay me the money.

9 Q. And did money start coming in?

10 A. Yes.

11 Q. And how quickly, after you got the load, did money start  
12 coming in?

13 A. I would say a day or two later.

14 Q. And so how did you go about collecting the money. And what  
15 I mean by that, where did you keep it and how was it picked up?

16 A. I kept -- I kept it in my house, and in Aladino, Gordo, and  
17 Zak's apartment. And Sonny had money in his house. And my  
18 house.

19 Q. Now, the people who you gave it to, like Gordo, Zak,  
20 Aladino, Willie, did they immediately give you all of the money  
21 they collected, or did they keep some money as well?

22 A. No. A part. Little by -- not all of the money at the same  
23 time. They probably give me 300 at a time, 400, 200.

24 Q. When you say 400, 300, 200, what are you talking about?

25 A. \$200,000.

D2k0fer3

Minaya - direct

1 Q. Thousand dollars?

2 A. Yes.

3 Q. At that point, where -- if you know, where were Poncho and  
4 Arturo?

5 A. They were staying in the hotel in Manhattan, New York.

6 Q. And did they stay the entire time?

7 A. Yes.

8 Q. Do you know the name of the hotel?

9 A. I think it's Newton Hotel.

10 Q. Newton Hotel?

11 A. N-E-U-T-O-N, I think.

12 Q. Did you ever stay there? Or just go there.

13 A. No, I just went there a couple of times.

14 Q. And so at this point, how is your relationship with Poncho  
15 and Arturo?

16 A. Good.

17 Q. Did you see them a lot?

18 A. Yes. We met almost every day.

19 Q. And what were you doing with them?

20 A. Just discussed, you know, saying about they was telling me  
21 about the other truck that was supposed to come. And this --  
22 they was trying to see what was going on, that he never got  
23 here, you know, and they was trying to find out for what.

24 Q. And what other truck was that?

25 A. It was -- the second truck, like I said, was supposed to

D2k0fer3

Minaya - direct

1 come with 500 kilos. But it never came.

2 Q. Did you -- did they ask you the initial days about  
3 collecting money and whether they could get some of the money  
4 from the deal?

5 A. Yeah, he said during that time, a few days after that, he  
6 said that he needed to send some money down to Texas like, you  
7 know, some part of the money, like a million dollars, so if  
8 they could send another truck.

9 Q. And did they ask you to play any role in that?

10 A. Yeah. They said like if I could get another car with a  
11 stash secret compartment we could get the money in.

12 Q. Did you agree to do that?

13 A. Yes, sir.

14 Q. So what happened next?

15 A. I called my friend Willie. He got -- he had a car, a  
16 Lincoln Towne Car with secret compartment on it. He said I  
17 could use that car and deliver the money to Texas.

18 Q. And you talked about a lot of traps. Can you talk about --  
19 was there one in this car?

20 A. Yes, sir.

21 Q. Can you talk about where it was?

22 A. Behind the seats. In the back seat. The -- the thing, the  
23 speakers, comes -- they came up, like I said, with a  
24 combination like heater, it comes up. And you put the money  
25 inside there.

D2k0fer3

Minaya - direct

1 Q. So you mean the area behind the back seat near the rear  
2 window?

3 A. Yeah.

4 Q. The flat area where the speakers are, it would lift up and  
5 the trap was there?

6 A. Yes, sir.

7 Q. Do you know where that trap was installed?

8 A. No, no.

9 MR. BLANCHE: Your Honor, do you want to take a break,  
10 or do you want me to continue on.

11 THE COURT: Jury need a break? It's quarter past 12.  
12 I would rather -- how about if we go to 12:45 and give you an  
13 hour and a half for lunch. We have some work to do and I don't  
14 want the bother you. Is that good? Can you make it to another  
15 half hour?

16 BY MR. BLANCHE:

17 Q. All right, so Mr. Minaya, when -- when -- so, when you got  
18 that -- what kind of car was it again?

19 THE COURT: Are you okay, Mr. Blanche.

20 MR. CAPONE: I'm good.

21 THE COURT: How about you, Mr. Richman?

22 MR. RICHMAN: Your Honor, like a rock.

23 THE COURT: Like a rock; soft rock.

24 BY MR. BLANCHE:

25 Q. What kind of car was it again?



D2k0fer3

Minaya - direct

1 A. Lincoln Towne Car.

2 Q. What color was it?

3 A. Silver.

4 Q. Whose was it?

5 A. Willie.

6 Q. And --

7 THE COURT: How many cars did you have, a flotilla of  
8 cars?

9 THE WITNESS: No, they get it -- you know, sometime  
10 when you need a car, you got money, there is people.

11 BY MR. BLANCHE:

12 Q. And you talked about a lot of cars.

13 Did you rent cars while you were selling drugs?

14 A. Yes, I rent cars.

15 Q. Why would you rent a car?

16 THE COURT: To have one, to use it, right?

17 THE WITNESS: To use it. Because I could -- I could  
18 change it like every week. You know, like I don't want to  
19 get -- be seen in the same car.

20 BY MR. BLANCHE:

21 Q. So part of the reason why you would rent instead of just  
22 buy a car, you wouldn't be seen. By whom?

23 A. Robbers, cops.

24 Q. And so but this Lincoln, was there an understanding that  
25 Willie would ever get the car back?

D2k0fer3

Minaya - direct

1 A. Yeah, it was -- he was supposed to get it back, bring it  
2 back, but.

3 Q. So who was gonna -- at the time, did you have a  
4 conversation with anybody about who would drive the money to  
5 Texas?

6 A. No, we was figuring out that time, but we did a -- like  
7 a -- after that, we went to the apartment in Pelham Parkway,  
8 Poncho, Arturo, and myself, and started packing up some money.

9 Q. Started packing up some money.

10 How did you pack it up, how did you go about that,  
11 packing it up?

12 A. Yeah, I went to -- we went to Cosco in Yonkers, New York.  
13 And we bought a machine to pull up the air out -- I don't know  
14 how they call it.

15 THE COURT: Money-counting machine?

16 THE WITNESS: No, it's not a money-counting machine.  
17 To pack up the money.

18 BY MR. BLANCHE:

19 Q. You mean like a vacuum sealer, where it sucks the air out?

20 A. A vacuum sealer, yeah.

21 Q. You bought that, where?

22 A. In Cosco.

23 Q. The judge is asking you about a money-counting machine.

24 Did you count all of this money by hand?

25 A. Money-counting machine.

D2k0fer3

Minaya - direct

1 Q. Tell the jury what that is.

2 THE COURT: Machine that counts money.

3 Q. What does it look like?

4 A. Square, like this big.

5 THE COURT: They see it at the banks.

6 Q. So, so what --

7 THE COURT: Are you running a drug business, a bank  
8 business, and car business all at the same time? Too bad it  
9 wasn't legal.

10 BY MR. BLANCHE:

11 Q. So, Mr. Minaya, what -- did you guys, when you went to  
12 Cosco, did you go by yourself?

13 A. I went with Poncho and Arturo. When I was coming in,  
14 that's when I saw Patrick there.

15 Q. And just very quickly, government exhibit 2, you said you  
16 saw Patrick. That guy right there?

17 A. Yes, sir.

18 Q. Now, we have not talked about him since the very beginning  
19 of your testimony.

20 At this point when you saw Patrick at Cosco, was he  
21 selling drugs for you?

22 A. No.

23 Q. Did you have any business dealings with him at this point?

24 A. No, sir.

25 Q. Okay. So, what happened when you saw Patrick?

D2k0fer3

Minaya - direct

1 A. No, I just said what's up, you know, we was -- said what's  
2 up, nothing. Like I said, a couple of minutes, that's it.

3 Q. Did -- and we are fast-forwarding a little bit, but at this  
4 point, did -- was there any plan to kill the Mexicans, Arturo  
5 and Poncho?

6 A. Not at that time.

7 Q. So Patrick was not part of any plan yet?

8 A. No.

9 Q. So after you bought the vacuum sealers, did you go back to  
10 the apartment?

11 A. Yeah, we went to the apartment and started packing up the  
12 money. We packed the money up. And the car, the stash, only  
13 took like \$800,000.

14 Q. And the car was in -- in the parking lot underneath?

15 A. Yes, sir.

16 Q. Okay. So did it -- was that money ever sent? Did anybody  
17 ever drive that money anywhere?

18 A. No. That day, what he told me, that we was going to wait  
19 to see who was going to go. And he was going to let me know  
20 when to send the car.

21 Q. Who is "he?"

22 A. Arturo.

23 Q. Arturo told you that?

24 A. Yeah.

25 Q. And I want to also talk about the -- you have any family

D2k0fer3

Minaya - direct

1 that lives in Brooklyn?

2 A. My cousin, Zahir, is -- his brother-in-law had a -- live in  
3 Brooklyn.

4 Q. During this time -- so, again, early part of 2000, January,  
5 February -- do you know of any business deal or business that  
6 had happened between Arturo or Poncho and your family in  
7 Brooklyn?

8 A. Yeah. His wife was supposed to come illegally through to  
9 the United States.

10 Q. Whose wife?

11 A. My brother, my cousin's brother-in-law. His wife was  
12 supposed to come illegally. She was in Mexico. They asked me  
13 in January do you have somebody to bring -- that could cross  
14 the border, you know, bring her through the border. So that's  
15 why I called Poncho and Arturo at that time. And they helped  
16 to bring -- to come to New York, so.

17 Q. And you said you told them -- what did you do to make that  
18 happen?

19 A. I said that I had a friend in Mexico. She was kind of like  
20 my family, I told him. And that she didn't have -- you know,  
21 she was trying to get here illegally. And if they could help  
22 me to cross the border for her.

23 Q. Why did you think Arturo or Poncho could help you do that?

24 A. Because they knew a lot of people there. They were passing  
25 drugs, so I figured they could -- they could pass a person,

D2k0fer3

Minaya - direct

1 too.

2 Q. And did you learn whether or not -- whether it was  
3 successful?

4 A. Yes, it was.

5 Q. And how do you know?

6 A. Through my cousin. He told me when she got here. He let  
7 me know.

8 Q. Do you know whether your cousin, or your family, had to pay  
9 Arturo and Poncho for that?

10 A. I don't remember. I don't think so.

11 Q. So what happens next. I mean just going back now to the --  
12 to the drugs being sold. Are you still collecting money?

13 A. Yeah, I was collecting money.

14 Q. And at the time that you put \$800,000 in the Lincoln, how  
15 much money had been collected from the 274-kilogram load?

16 A. A couple of million dollars. I would say three million,  
17 four million.

18 Q. And how -- how -- so where was that money located at around  
19 the city?

20 A. Like I said, most of it was in Aladino, Zak and Gordo's  
21 apartment. And some of the money I had in the apartment in  
22 Pelham Parkway, some of the money I had in my house, and some  
23 money in 2160 Matthews Avenue.

24 Q. And the 2160 Matthews, was that the apartment we looked at  
25 earlier?

D2k0fer3

Minaya - direct

1 A. Crystal house.

2 Q. And at that point, had all of the drugs been sent out for  
3 delivery?

4 A. Yes, sir.

5 Q. And so what happened next?

6 A. After that, a couple of days pass. So one night I met with  
7 the Mexican; me, Zak. And I was with Zak. I met with Poncho  
8 and -- and Arturo and stuff. So on the way back, when we went  
9 to meet them at the hotel, we saw couple of weird cars, like we  
10 presumed was cops. And when we left in the hotel, Zak told me,  
11 yo, you see all of those cars, you know, like they cops. You  
12 know, I think they are watching these people, so you better be  
13 careful.

14 And, I say, you know, I didn't want him to get scared.  
15 I said I don't think so. He said, yeah, they were cops. He  
16 told me, look, they are different cars we saw.

17 And so I tell him, you know what, don't say nothing to  
18 the guys, to Gordo and Aladino. Let's see what happens, all  
19 right. He said, no, but be careful and stuff.

20 So he left me at my house. So after that, next day,  
21 then Gordo and Aladino called me up and told me that Zak told  
22 him about the cars that -- that we saw, that they seen. That  
23 they were weird cars.

24 Q. And now up to -- when you say "weird cars," you mean cop  
25 cars, potentially?

D2k0fer3

Minaya - direct

1 A. Yeah.

2 Q. Were they marked cars?

3 A. No.

4 Q. Like cars with lights?

5 A. No. No, not with lights. Regular cars.

6 Q. And up to that point, over the past months before you had  
7 been selling a lot of drugs, what did you do to try, or what  
8 did you do to try and protect yourself from the cops?

9 A. You know, change phones like weekly, changes cars; you  
10 know, stuff like that.

11 Q. And until you saw that that night, the weird cars, were you  
12 worried about law enforcement as far as this deal goes?

13 A. No, I was not. You know, you always -- you kind of worry  
14 sometime, but it's not like a real concern.

15 Q. So what happened -- what happened next after Aladino and  
16 Gordo and them called you and said that Zak had told them?

17 A. You know, they told me that -- to be careful. They said  
18 that these people, they were weird. They told me theirselves  
19 they saw some weird cars, too. I don't know if they made it up  
20 or something. But they told me to be careful, to stay away  
21 from the Mexican a few days to see what happens or something.  
22 So I did that, I stood away a few days.

23 After that, like two days, I didn't answer the phone  
24 for -- for Poncho and Arturo. I didn't communicate with them.  
25 And so like two days or three days after, they called me up.



D2k0fer3

Minaya - direct

1 Well, really, my cousin, yes, called me up and told me, yo,  
2 these people are here. And my brother-in-law in Brooklyn, they  
3 are here in their house.

4 Q. And when you say "these people," who was he talking about?

5 A. Poncho and Arturo.

6 Q. And what happened when you heard that?

7 A. You know, I got a little scared, like concerned. I said  
8 how -- you know, how they went over there and stuff. And he  
9 told me, yo, you remember, they were the ones that crossed --  
10 these guys -- my brother-in-law's wife through Mexico, so they  
11 stood with the numbers and stuff. So when Nadia answered the  
12 phone, what they did was they communicated with them.

13 Q. So until those couple of days when you stopped talking to  
14 him, had you been talking to them or seeing them almost every  
15 day?

16 A. Yes. Before that, yeah.

17 Q. So, when -- when Zahir told you that, what did you do?

18 A. I say, you know what, I'm -- what I'm gonna do is, I'm  
19 going to go over there, drive over there to meet Miniado in  
20 Brooklyn.

21 Q. So you -- did you just talk to Zahir, or did you end up  
22 talking to Poncho or Arturo?

23 A. I think I talked to Poncho, and said I was going to go over  
24 there and meet.

25 Q. Did you go to Brooklyn?

D2k0fer3

Minaya - direct

1 A. Yeah, I went with Sonny.

2 Q. What happened?

3 A. They were mad at me, like you know. I told them, I made up  
4 a story and said that I was -- I was -- I -- that I was out of  
5 town collecting money and stuff, and that's why I didn't answer  
6 the phone. They told me, no, don't do that, don't put yourself  
7 like that and stuff, because we in this business and things  
8 don't go that way.

9 And Arturo told me, like you know, he was mad. He  
10 said, you know what, don't tried to hide from me or nothing.

11 I said I was not hiding from you, I just was out of  
12 town collecting some money and stuff.

13 So he said, you know what, I was a cop -- I asked him  
14 how he got there. He said, you know, I was a cop in Mexico, so  
15 anywhere you go, I'm going to find you, I have my tactics.

16 Q. So what happened next?

17 A. After that we went to eat. I took him to eat, to  
18 Manhattan, New York, you know we talk.

19 He said the other truck was supposed to come, so he  
20 said that he was going to let me know so I can rent a storage  
21 again.

22 So, you know, at that time I was already like scared  
23 about the cops. And I told him are you sure that that truck is  
24 all right, nothing happened. He said, no, it was a mechanical  
25 problem they had, they are fixing it and stuff. At that time

D2k0fer3

Minaya - direct

1 he told me about -- I said what's going to happen with the  
2 \$800,000 we had in the car. He said just leave it there. I  
3 think we was going to collect the whole money, just send it at  
4 once.

5 Q. So they -- Arturo or Poncho -- decided not to bother to  
6 send the 800 grand down to Mexico or Texas, but to wait until  
7 more money had been collected?

8 A. Yes, sir.

9 Q. Now, up to this point, although you talk about some  
10 problems you were having, had there been any discussion by you  
11 or anybody to actually kill Arturo or Poncho?

12 A. Not -- not at this time, I don't think I -- at that time.  
13 After this, yeah.

14 Q. So this -- after this meaning, after that, what you just  
15 told us about going to Brooklyn and talking afterwards?

16 A. Yes, sir, that's when -- when my brother-in-law, Aladino,  
17 and Gordo talked to me. And Zak. And said, you know what?  
18 What are you going to do, man. These people, you have to be  
19 careful now and stuff. These people telling you about another  
20 truck, and telling you, promising you a lot of things. And  
21 they went behind you with your cousin and stuff. And, shit,  
22 you know, you -- you just, what are you go gonna do about the  
23 cars we seen and stuff. Be careful.

24 And so that's when they started to tell me, so I can  
25 rob them.

D2k0fer3

Minaya - direct

1 Q. When you say that's when they started telling you, who  
2 started telling you that?

3 A. My brother-in-law and Gordo.

4 Q. What did you say, initially, in response?

5 A. I said that, you know, I can't -- I couldn't rob them like  
6 that. I said, look, these people, they already find me through  
7 my cousin and stuff. So I said, he told me that day, there's  
8 ways to do it, just send -- see what we going to do, but stay  
9 away from them. I think the cops are -- are -- are on them.

10 So, after that, we had like a few meetings. And  
11 that's when they told me -- my brother-in-law told me that, you  
12 know, they could get them killed and stuff.

13 THE COURT: Let me understand. You go to Brooklyn.  
14 When is this?

15 THE WITNESS: In February 2000.

16 THE COURT: February 2000, you go to Brooklyn.

17 THE WITNESS: Yeah.

18 THE COURT: And whom do you meet in Brooklyn.

19 Face the jury.

20 THE WITNESS: Okay.

21 I met Arturo and Poncho. My cousin was there, Zahir,  
22 and his brother-in-law.

23 THE COURT: And who brought up this issue of robbery.

24 THE WITNESS: My brother-in-law, and Gordo.

25 THE COURT: And who was it that he wanted to rob?

D2k0fer3

Minaya - direct

1 THE WITNESS: Arturo and Poncho.

2 THE COURT: And was this the first time that an issue  
3 of robbery was ever discussed?

4 THE WITNESS: No. Before, like I said the first load,  
5 the robbery thing came up, too.

6 THE COURT: Who brought it up.

7 THE WITNESS: Me, and my brother-in-law.

8 THE COURT: And who was it you wanted to rob?

9 THE WITNESS: Poncho. At that time.

10 THE COURT: And where was Poncho bringing drugs.

11 THE WITNESS: From Mexico.

12 THE COURT: And what was it you wanted to rob?

13 THE WITNESS: The cocaine.

14 THE COURT: So what you wanted to do was to take the  
15 cocaine that you had ordered and steal it?

16 THE WITNESS: Yes.

17 THE COURT: And not pay for it.

18 THE WITNESS: Yes.

19 THE COURT: How did you think you would get away with  
20 that?

21 THE WITNESS: That was the problem, that I told them  
22 about that.

23 THE COURT: I mean if you killed the messenger,  
24 wouldn't the guy who sent the messenger kill you?

25 THE WITNESS: They didn't know me. So that's what we

D2k0fer3

Minaya - direct

1     figured out that, you know, if we kill these two people --

2             THE COURT:   Well, you went down to Mexico, didn't you,  
3     one time?

4             THE WITNESS:  Yeah, but I just saw one of his workers,  
5     I didn't see nobody else.   Just Arturo and Poncho and one of  
6     his workers.

7             THE COURT:   So you thought that you --

8             THE WITNESS:  I went to -- sorry.

9             I went to Texas, not Mexico.

10            THE COURT:   Sorry.

11            But the drugs came from Mexico and McAllen, Texas.

12            THE WITNESS:  Yes.

13            THE COURT:   And you thought that you could be  
14     anonymous?

15            THE WITNESS:  Yeah.

16            THE COURT:   Do you have any life insurance policies?

17            THE WITNESS:  No.

18     BY MR. BLANCHE:

19     Q.   Just to clear up a couple of questions.

20            You used the word "rob."   And I think Judge  
21     Hellerstein used the word "steal."   You distributed all of the  
22     cocaine, collected millions of dollars.   You just wanted to  
23     figure out a way not to pay that money back?

24            MR. RICHMAN:  Objection to the form of the question.  
25     Let him answer it.

D2k0fer3

Minaya - direct

1 THE COURT: I think he is repeating what I did,  
2 Mr. Richman.

3 And you do the same on cross-examination.

4 MR. RICHMAN: Thank you.

5 THE COURT: Yeah, he was keeping the money and not  
6 paying for the goods. Right? Right?

7 THE WITNESS: Yes.

8 THE COURT: Right. Okay. Even the judge gets that.

9 MR. BLANCHE: Pardon me?

10 THE COURT: Even the judge understands that.

11 BY MR. BLANCHE:

12 Q. What happened next, as far as the discussion with everybody  
13 about what to do?

14 A. When he told me about, like to kill them, I said, you know  
15 what, you took me a little by surprise. I said let me just  
16 think about it. I didn't took the decision right away. We had  
17 a few meetings and stuff. And I was in contact with the  
18 Mexican about the other truck. So I told -- I told the guys,  
19 why wouldn't we wait for other truck to come, it's 500, it's  
20 gonna be more money. They said, no, we should do it now. We  
21 got money. This is a sure thing you already have in your  
22 hands, the money and stuff. Let's try to do this now and --

23 THE COURT: When you got credit, who gave you the  
24 credit?

25 THE WITNESS: Arturo.

D2k0fer3

Minaya - direct

1 THE COURT: And who is Arturo?

2 THE WITNESS: The connect, the guy that got killed.  
3 He was the connect that I -- the boss.

4 THE COURT: So he was the connection between you and  
5 the boss?

6 THE WITNESS: Yeah, I mean --

7 THE COURT: You had to assume that the boss was the  
8 guy who said, okay, give Minaya credit?

9 THE WITNESS: Yeah.

10 THE COURT: And you thought the boss would do that  
11 without knowing who you were?

12 THE WITNESS: I think -- you know, because what we did  
13 the first load, that we saved them the whole load and stuff.  
14 And, you know, they -- they trusted us.

15 THE COURT: Okay.

16 BY MR. BLANCHE:

17 Q. Well, who did you think the boss was, Mr. Minaya?

18 A. Arturo. I didn't know some -- you know another people  
19 after him, I didn't know. I -- I ask -- assume he probably had  
20 somebody in Mexico or something, but I think he was -- he was  
21 the boss.

22 Q. And in those initial discussions, did you raise your  
23 concerns about whether people down in Mexico knew you?

24 A. I did, you know. But, you know, like I said, they didn't  
25 know me. They probably didn't know my name. There is a lot of



D2k0fer3

Minaya - direct

1 different Geffreys in New York.

2 MR. BLANCHE: I'm about to turn into the actual, when  
3 the plan went into effect. Do you want to break now --

4 THE COURT: No. You have 10 minutes.

5 BY MR. BLANCHE:

6 Q. So what happens next?

7 A. After that, that's when -- after a few meetings out there  
8 with Gordo, Zak, and Aladino, then I decided to go with the  
9 plan to kill the Mexicans.

10 Q. So who is there -- well, who is there at that meeting?

11 A. Gordo, Zak, Aladino, myself.

12 Q. The meeting is where?

13 A. In the apartment of -- in their apartment.

14 Q. In Brooklyn?

15 A. In the Bronx.

16 Q. Where, in the Bronx?

17 A. Around Gunhill, Webster Avenue. I think it's Park Place.  
18 Where you have the apartment.

19 THE COURT: And whose apartment was it?

20 THE WITNESS: Zak, Aladino, and Gordo.

21 BY MR. BLANCHE:

22 Q. So I'm showing you government exhibit 19.

23 Do you recognize, what's government exhibit 19?

24 A. Yeah, that's -- this is where the apartment I'm talking  
25 about is.

D2k0fer3

Minaya - direct

1 Q. Well, what is government exhibit 19?

2 A. The apartment where I met with them, and the apartment  
3 where the murder took place, or the building where the murder  
4 took place.

5 Q. Is that a map?

6 A. Yeah, it's map.

7 Q. And how do you recognize it as being the apartment?

8 A. Because this is Webster Avenue. This is Gunhill.

9 THE COURT: Mr. Richman is not going to object to this  
10 exhibit.

11 MR. RICHMAN: No.

12 MR. BLANCHE: The government offers exhibit 19.

13 And if we could publish it.

14 THE COURT: Sure.

15 (Government's Exhibit 19 received in evidence)

16 BY MR. BLANCHE:

17 Q. So can you talk about how you recognize what we're looking  
18 at there?

19 A. Yeah, this is the building where I'm talking about.

20 Q. The building with the red dot?

21 A. With the red dot, yeah.

22 Q. What is the park that it's next to?

23 A. The park?

24 Q. Yeah.

25 A. I don't know. This is Gunhill Road, around there.

D2k0fer3

Minaya - direct

1 MR. RICHMAN: Bronx River Parkway, your Honor.

2 THE WITNESS: Parkway, yeah sure.

3 BY MR. BLANCHE:

4 Q. And did you go to the apartment on several occasions  
5 besides that meeting?

6 A. Yes, yes.

7 Q. So what if anything did Sonny have to do with the plan?

8 A. He was my worker at the time; you know, he worked for me,  
9 he would sell drugs for me. And, you know, that -- I -- at  
10 that time, we was not going to take -- like my brother-in-law  
11 told me that, you know, forget about him, you know what I'm  
12 saying, you the face of this. You want to give your face, your  
13 the one responsible for it. So his opinion is not gonna count.

14 THE COURT: Sit up.

15 Q. Did Poncho and Arturo know Sonny?

16 A. Yes.

17 Q. And did you talk to Sonny about his concerns about killing  
18 the Mexicans?

19 A. Yes, I did. You know, he told me that -- to think about it  
20 good, you know if -- that I was in a dangerous position because  
21 it was a lot of money involved and, you know, they could kill  
22 me. You know listen, they could have killed me easy, too. So  
23 what -- you know what I'm saying, just think about what I was  
24 gonna do, because he was not with it.

25 THE COURT: Why would they kill you, they needed money

D2k0fer3

Minaya - direct

1 from you.

2 THE WITNESS: But, remember, they had money from me,  
3 they were like --

4 THE COURT: You were not paying them in advance.

5 THE WITNESS: No, they had -- they -- like Gordo,  
6 Aladino, and Zak, they had money from the drugs I gave them.

7 BY THE COURT:

8 Q. So the map, the apartment we just saw on the map, whose  
9 apartment was that?

10 A. Aladino, Zak, and Gordo's.

11 THE COURT: Why would they kill them. Those guys owed  
12 money. So they didn't need to kill to get the money. They  
13 were going to be paid the money anyhow.

14 THE WITNESS: No, I'm talking about they could have  
15 killed me, like let's say they could have killed me and stay  
16 with the money.

17 THE COURT: But you were going to pay the money  
18 anyhow.

19 THE WITNESS: I was --

20 THE COURT: There's no motive to kill you.

21 THE WITNESS: No.

22 THE COURT: You had motive to kill them, according to  
23 what was said. But they had no motive to kill you, unless in  
24 retaliation.

25 THE WITNESS: No. I'm saying let's say, for example,

D2k0fer3

Minaya - direct

1 like Sonny told me, let's say you don't want to go with the  
2 plan, you don't want to kill the Mexican or something, they can  
3 decide to kill you, instead of the money they owe you.

4 BY MR. BLANCHE:

5 Q. Who is the "they?"

6 A. Aladino, Zak, and Gordo.

7 THE COURT: You're worried that your brother-in-law is  
8 gonna kill you?

9 THE WITNESS: Yeah -- I -- I didn't have a big  
10 concern, but I'm saying what Sonny told me.

11 THE COURT: Sonny told you that your brother-in-law  
12 might kill you?

13 THE WITNESS: Yeah, he could, you know what I'm  
14 saying. There was a lot of money involved.

15 THE COURT: Nice way to live.

16 BY MR. BLANCHE:

17 Q. At that point, you had collected a lot of money. How much  
18 money did your brother-in-law and Gordo and Zak have that you  
19 didn't have?

20 A. A couple of million dollars. I would say probably  
21 \$3 million.

22 Q. And just following up from what Judge Hellerstein was just  
23 talking about, what was yours and Sonny's concern about  
24 objecting to the plan that your brother-in-law and Gordo were  
25 talking about?

D2k0fer3

Minaya - direct

1 A. No, like I said, it was a concern. He said to me to think  
2 good, my decision. And, you know, and be careful with what was  
3 gonna happen.

4 Q. And did you agree, eventually, to participate?

5 A. Yes. And then I agreed. I met with them. And I -- I  
6 agreed to -- to get them killed.

7 Q. Now at that point --

8 THE COURT: You met with them. Them is Zak, Aladino,  
9 and Gordo.

10 THE WITNESS: Yes.

11 THE COURT: And the guys you wanted to kill were the  
12 Mexicans. And what were their names again?

13 THE WITNESS: Arturo and Poncho.

14 THE COURT: Arturo and Poncho.

15 Two more questions and then we'll break.

16 MR. BLANCHE: Yes, your Honor.

17 BY MR. BLANCHE:

18 Q. So did you tell or discuss with Gordo, Aladino, and Zak,  
19 how much money you were going get paid?

20 A. Yeah. I told them what we were going to do. I was gonna  
21 take \$3 million.

22 Q. Now, you asked for \$3 million?

23 A. Yes.

24 Q. How much money was that compared to how much money you guys  
25 had collected?

D2k0fer3

Minaya - direct

1 A. The whole load was going to do around \$7 million.

2 Q. And you wanted three of the seven?

3 A. Yeah, because I was gonna give money to -- to the other  
4 guys.

5 THE COURT: Other guys, being?

6 THE WITNESS: Sonny, DiFrank, Gino, and themselves;  
7 Sonny, Aladino, and Zak.

8 THE COURT: The killers.

9 THE WITNESS: Yeah.

10 MR. BLANCHE: More questions? Or lunch.

11 THE COURT: One more.

12 MR. BLANCHE: Continue?

13 THE COURT: One more.

14 BY MR. BLANCHE:

15 Q. Did they agree?

16 A. They agreed to give me \$3 million. They was going to take  
17 750 each, Aladino, Gordo and Zak.

18 Q. 750,000?

19 A. Yeah.

20 THE COURT: Okay, break.

21 Members of the jury, we have business we have to  
22 conduct now, which will take us about a half hour. Why don't  
23 we come back at quarter to two. Is that right? It's 12:45.  
24 2:15.

25 All right, have a good lunch, close up your books,

D2k0fer3

Minaya - direct

1 don't discuss the case.

2 (Jury excused)



D2k0fer3

Minaya - direct

1 THE COURT: Counsel, be seated.

2 Whenever you're ready, marshal.

3 (Witness temporarily excused)

4 MR. BLANCHE: Are we going to do the hearing now?

5 THE COURT: One thing at a time.

6 Okay. Now we'll bring up Darge.

7 (Recess)

8 THE COURT: Swear Mr. Darge.

9 PATRICK DARGE,

10 called as a witness by the Government,

11 having duly affirmed, testified as follows: (affirmed)

12 THE DEPUTY CLERK: State your name and spell last  
13 name.

14 THE WITNESS: P-A-T-R-I-C-K, D-A-R-G-E.

15 DIRECT EXAMINATION

16 BY MR. CAPONE:

17 Q. Good afternoon, Mr. Darge?

18 A. Good afternoon, sir.

19 Q. Are you currently in jail?

20 A. Yes.

21 Q. Why are you in jail?

22 A. Because of murder.

23 Q. Did you commit the murder?

24 A. Yes.

25 Q. And when did that occur?

D2k0fer3

P. Darge - direct

1 A. 2000.

2 Q. And what month?

3 A. February.

4 Q. Where are you currently in jail?

5 A. MCC, New York.

6 Q. And when were you arrested?

7 A. December 3rd of 2010.

8 Q. And have you been in the MCC, New York since you were  
9 arrested?

10 A. Yes.

11 Q. In what cell block are you in?

12 A. 5 North.

13 Q. And have you been in 5 North since you were arrested?

14 A. Yes.

15 Q. After you were arrested, did you begin meeting with the  
16 government?

17 A. Yes.

18 Q. And what was your goal in meeting with the government?

19 A. To cooperate and give my testimony.

20 Q. Did you ultimately sign a cooperation agreement?

21 A. Yes, I did.

22 Q. Do you remember whether you pled guilty pursuant to a  
23 cooperation agreement?

24 A. Last year, May.

25 Q. Was that 2012?

D2k0fer3

P. Darge - direct

1 A. Yes.

2 Q. And what crimes did you plead guilty to?

3 A. To murder.

4 Q. And do you remember how many counts there were?

5 A. Four.

6 Q. And how many people were killed?

7 A. Two.

8 Q. And was there another murder you pled to?

9 A. Yes.

10 Q. I would like to ask you to take a look around the courtroom  
11 in front of -- not the audience, but the front area of the  
12 courtroom --

13 THE COURT: Look all over the courtroom.

14 Q. The well of the courtroom --

15 THE COURT: Look all over the courtroom.

16 Q. All over the courtroom, okay.

17 Other than myself and the other prosecutors at the  
18 front table, is there anyone you recognize in the courtroom?

19 MR. RICHMAN: Objection.

20 THE COURT: Overruled.

21 BY MR. BLANCHE:

22 Q. Is there anyone you recognize?

23 A. Yes.

24 Q. Who is that?

25 A. Joe Fernandez.

D2k0fer3

P. Darge - direct

1 Q. And can you point out where he is sitting and what he is  
2 wearing?

3 A. He is wearing a gray suit.

4 THE COURT: Which? Where is he located?

5 THE WITNESS: He's on my left side.

6 THE COURT: And how far back?

7 THE WITNESS: Two rows.

8 THE COURT: Two rows.

9 The witness has identified the defendant.

10 BY MR. CAPONE:

11 Q. How do you know Mr. Fernandez?

12 A. He is my cousin.

13 Q. During your meeting with the government, did you discuss  
14 Mr. Fernandez?

15 A. Yes.

16 Q. What did you tell the government about it?

17 A. He was the one that was with me at the time of murder.

18 Q. And did he also commit the murders?

19 A. Yes.

20 Q. These are the ones in February of 2000?

21 A. Yes.

22 Q. Prior to today, when is the last time you saw him?

23 A. I saw him on -- when he got arrested. They brought him to  
24 5 North. And that was the last time I saw him.

25 Q. And that was the cell block that you were in?

D2k0fer3

P. Darge - direct

1 A. Yes.

2 Q. When the defendant was brought to 5 North, had you already  
3 pled guilty pursuant to your cooperation agreement?

4 A. No.

5 Q. Was the defendant assigned to live at 5 North?

6 A. Yes.

7 THE COURT: Gentlemen, excuse me. I'll give you time,  
8 I'll give you time to talk.

9 MR. PAKETT: All right, your Honor.

10 BY MR. BLANCHE:

11 Q. And how long was the defendant in 5 North while you were  
12 there?

13 A. For about two weeks.

14 Q. And you said you had not plead guilty or signed a  
15 cooperation agreement, but at the time the defendant was in 5  
16 North, had you already met with the government?

17 A. Yes.

18 Q. Before the defendant arrived at 5 North, did you have any  
19 notice that he would be there?

20 A. No.

21 Q. Did the government ask you to speak with him?

22 A. No.

23 Q. Did the government give you any direction at any point  
24 about what to do if and when you saw the defendant?

25 A. No.

D2k0fer3

P. Darge - direct

1 Q. During the couple of weeks that the defendant was at 5  
2 North, did you have any meetings with the government?

3 A. Could you repeat that again?

4 Q. During the time the defendant was at 5 North with you,  
5 during those two weeks, did you meet with the government?

6 A. No.

7 Q. When the defendant arrived at 5 North, when was the last  
8 time you had met with the government?

9 A. It was about two, three months.

10 Q. Did you have any conversations with the defendant while he  
11 was in 5 North?

12 A. Yes, we did.

13 Q. And what -- what -- describe those -- or describe when you  
14 first saw him and what happened.

15 A. Well, I was -- I live in tier four. And I was, at that  
16 time when he arrived on the 5 North in tier 6. And I -- I  
17 heard that there was some new inmates that came into the block.  
18 And I popped my head. And I saw him in the middle of the main  
19 floor. So I decided to go up to him. So I called him by his  
20 name. And he saw me. And I walked up the stairs. And I  
21 approached him.

22 The officer on duty was there at that time, and right  
23 next to him and other inmates that were there. And I was  
24 telling him that there is empty beds in my tier.

25 Q. Who were you telling?

D2k0fer3

P. Darge - direct

1 A. The officers.

2 And so while I was approaching Joey, he was just  
3 shaking his head and telling me: Why? Why? Why? And I told  
4 him we'll talk when we get to my tier.

5 And so the officer told him to -- told me to show him  
6 where the empty bed is at. So I took him down to tier four. I  
7 showed him where the room and the empty bed was at. And he put  
8 down some paper that he had with him, and some things that they  
9 give him at R&D. And then from there, we went to my room and  
10 we started discussing.

11 Q. Whose room was he -- there was an empty bed. Was there  
12 already somebody in that room?

13 A. Yes. There was another inmate there.

14 Q. What was his name?

15 A. Mendez.

16 Q. What happened when the defendant came to your room?

17 A. Well, we -- I sat on my bed. He sat on one of the chairs  
18 in the room. And he started asking me questions about why did  
19 I turn him in. And so we was going back and forth with that.  
20 So I confessed. And I told him, yes, it was me that turned him  
21 in. The reason why I, you know, I decided to cooperate and you  
22 got to say the truth.

23 So he was complaining about that; you know, he is  
24 gonna lose his house, his family he is stressed out. And we  
25 kept going back and forth with that.

D2k0fer3

P. Darge - direct

1           And then I explained to him this is what I did, and I  
2       confessed in front of his face that I did cooperate with the  
3       government, and I had to tell them the whole truth. So he told  
4       me nobody knew me, I already knew it was you.

5           THE COURT: Nobody knew me, meaning who? Who is me?

6           THE WITNESS: The other -- the other people that was  
7       involved in the murder.

8           THE COURT: Who is me, nobody knew me?

9           THE WITNESS: It's Joe Fernandez.

10          And I told him that there's other people that could  
11       identify him. And one of them was Gordo, which is another  
12       cousin of mines. And I told him but it was me that -- that did  
13       turn you in. On top of that, louis Rivera, as well.

14          And, then, we just kept going back and forth. He was  
15       like -- I -- I can't -- I can't do what you did, I cannot --  
16       you know, confess to that murder. I don't -- I'm not going to  
17       accept that.

18          So we -- we was there for about 20 to half hour, the  
19       most, and then we had to lock in. So, he went to his room, and  
20       I stood in mines.

21               (Continued on next page)



D2KMFER4

Darge - direct

1 Q. Did you have any other conversations with the defendant  
2 during this time at 5 north?

3 A. After that date, the following day, I also asked him that  
4 day that he arrived if he needed anything. I gave him a few  
5 things, T-shirt and things like that, so he could get  
6 comfortable. And then the following day we saw each other. I  
7 came up to him and tell him if he wanted something to eat,  
8 that's the type of conversations we had.

9 We also, one of the days we spoke about, you know,  
10 things that he was doing, what kind of work he was doing, how  
11 was the family. We also discussed about he heard about a  
12 letter that my grandmother had received about my plea, and I  
13 was just informing my grandmother and my family that I was  
14 about to plea. But there was like a confusion. The way it  
15 seemed like, it was like that the government or somebody send  
16 that letter. So I was a bit confused until I called the house  
17 and it was like no, it was the letter that you sent. And the  
18 reason why there was a confusion was because the only people  
19 that knew about that letter was my grandmother and my aunt and  
20 them. So it got to Joey Fernandez through my brother or one of  
21 my cousins that was, you know, communicating with him.

22 Q. And any other conversations about the case?

23 A. No. After that date, that we had confessed to him and told  
24 him everything, we didn't really talk much about the case.

25 Q. Did you record any of your conversations with the

D2KMFER4

Darge - direct

1 defendant?

2 A. No.

3 Q. At any point did anyone in the government, any prosecutors  
4 or agents, direct you to obtain any information from the  
5 defendant?

6 A. No.

7 Q. Did you do anything about the fact that the defendant was  
8 in your cell block?

9 A. Yes, I did.

10 Q. What did you do?

11 A. It was past a week and I saw he was avoiding -- we really  
12 wasn't connecting. I went to the counselor and I told him  
13 this. I said I don't feel comfortable him being here. He is  
14 not supposed to be around me. And so the counselor was either  
15 going to take me out the unit or take him out. So they decided  
16 to take him out. So the following day after that conversation  
17 they called us in in the office and they moved him to another  
18 unit.

19 THE COURT: Called both of you in?

20 THE WITNESS: Yes.

21 THE COURT: Same time?

22 THE WITNESS: Yes.

23 Q. You said you weren't supposed to be together.

24 What do you mean by that?

25 A. Because I was the one that brought him in, so that could

D2KMFER4

Darge - direct

1 create conflict between us and even this case.

2 Q. Why did you talk to the defendant at all?

3 A. I felt like he deserved to know the truth. He is my family  
4 and I had to confess to what I did. So I wanted to be honest  
5 with him. He kept asking. He was there. There was nothing  
6 else for me, you know, to hide. So I just told him what I had  
7 to tell him.

8 Q. You had cooperated with the government in 2003, is that  
9 right?

10 A. Yes.

11 Q. So you knew about cooperation and how it worked?

12 A. Yes.

13 THE COURT: Keep your voice up, please.

14 MR. CAPONE: I'm sorry, your Honor.

15 Q. At any point did you think that the government might want  
16 you to get information from the defendant since you were a  
17 cooperator?

18 A. No.

19 Q. Why not?

20 A. Because that's not right.

21 MR. CAPONE: I don't have any other questions, your  
22 Honor.

23 THE COURT: Cross.

24 CROSS-EXAMINATION

25 BY MR. RICHMAN:

D2KMFER4

Darge - cross

1 Q. Mr. Darge, what's not right?

2 A. For the government to tell me to ask questions to any of my  
3 codefendants.

4 Q. You know how this system works, do you not?

5 A. Yes, I know how the system works.

6 Q. You were a cooperator for years, right?

7 A. Well, in 2003, yes.

8 Q. And you informed on everybody you knew about in 2003,  
9 right?

10 A. No.

11 Q. Only that which you wanted the government to know about in  
12 2003, correct?

13 A. Yes.

14 Q. And you knew that you had a duty and obligation to tell  
15 everything you knew in 2003, is that right?

16 A. Yes.

17 Q. And you knew that every question they put to you concerning  
18 any information you obtained would be beneficial to you,  
19 correct?

20 A. Could you repeat that question again?

21 MR. RICHMAN: May I have it read back, your Honor.

22 THE COURT: Please, Steve.

23 (Record read)

24 A. Yes.

25 Q. So it was in your interest to gain as much information as

D2KMFER4

Darge - cross

1 you possibly could to benefit yourself, would that be fair to  
2 say?

3 A. Yes, it would be fair.

4 Q. Having been through this process before and lied  
5 continuously, you felt this time you wanted to get over again,  
6 is that right?

7 A. No.

8 Q. You were a changed man?

9 A. Yes.

10 Q. By the way, aside from the killing in this case, you say  
11 there was another killing, right?

12 A. Yes.

13 Q. You killed somebody else?

14 A. Yes.

15 Q. And that was before, correct?

16 A. In '98, yes.

17 Q. You shot a guy in the eye?

18 A. I shot him, yes.

19 Q. Did you shoot him in the eye or no?

20 A. Not in the eye.

21 Q. Where did you shoot him?

22 A. In the face.

23 Q. I'm sorry.

24 By the way, when did you start cooperating with the  
25 government in this particular case?

D2KMFER4

Darge - cross

1 A. When I got arrested in 2010.

2 Q. When was that, sir?

3 A. December 3, 2010.

4 Q. You started cooperating immediately, correct?

5 A. With the agents I gave them my testimony, yes.

6 Q. In fact, that very day you sat down with the agent and told  
7 him you want to cooperate, right?

8 A. I confessed to the crime.

9 Q. And by the way, you were represented by counsel, were you  
10 not?

11 A. No.

12 Q. At no time?

13 A. At the day of my arrest I wasn't.

14 Q. There came a time within three weeks where you sat down  
15 with a proffer agreement with the prosecution, correct?

16 A. Three weeks, I don't remember.

17 THE COURT: More or less?

18 THE WITNESS: Yes.

19 THE COURT: The answer is yes, Mr. Richman.

20 Q. When you sat down with the prosecution you signed an  
21 agreement and you have a lawyer at that time, right?

22 A. Yes. My lawyer was present.

23 Q. And in that part of that agreement it's a proffer  
24 agreement, not a cooperation agreement. You were debriefed by  
25 the government, correct?

D2KMFER4

Darge - cross

1 A. Yes.

2 Q. And you were told that in any prosecution brought against  
3 the client you were to give full and complete information,  
4 correct?

5 A. Yes.

6 THE COURT: Can you go through that again. Read that.

7 MR. RICHMAN: I'm paraphrasing paragraph 2.

8 THE COURT: Paraphrase it again.

9 Q. In any prosecution brought against the client, that was  
10 you, you were to give full and complete information, is that  
11 correct?

12 A. I don't understand that question.

13 THE COURT: Did you promise in the proffer agreement  
14 to give the government full and complete information, should  
15 the government prosecute you?

16 THE WITNESS: Yes.

17 Q. And in so doing you met with the government not once but  
18 numerous times, correct?

19 A. Yes, I did.

20 Q. In fact, you met with them --

21 THE COURT: Numerous times is enough.

22 Q. Over six times in the next year, is that right?

23 A. Yes.

24 Q. As a result of what you said, that led directly to the  
25 arrest of Joe Fernandez, correct?

D2KMFER4

Darge - cross

1 MR. CAPONE: Objection, your Honor.

2 THE COURT: Overruled.

3 To the extent you had a belief, you can answer. If  
4 you didn't have a belief, you don't have to answer.

5 THE WITNESS: Could you say that again.

6 THE COURT: The question is, did you appreciate that  
7 as a result of the information you gave the government,  
8 Fernandez was arrested?

9 THE WITNESS: Did I appreciate?

10 THE COURT: Did you understand?

11 THE WITNESS: Yes, I understood.

12 Q. So you knew that you were the cause of his being arrested?

13 MR. CAPONE: Objection.

14 THE COURT: That's a different question, Mr. Richman.  
15 That objection is sustained.

16 Q. When you say him brought in, you went out of your way to  
17 speak to a guard to put him on your floor, near you, isn't that  
18 correct?

19 A. What? I didn't hear that clearly.

20 MR. RICHMAN: Am I speaking English?

21 THE COURT: Mr. Richman, just ask the questions.

22 MR. RICHMAN: I just did.

23 THE COURT: Ask another one.

24 Q. Sir, directly as a result of you speaking to a guard --

25 THE COURT: He already answered that question.



D2KMFER4

Darge - cross

1 MR. RICHMAN: He didn't. He said he didn't understand  
2 it.

3 THE COURT: I'm sorry. Put it again.

4 Q. Directly as a result of you speaking to a guard, you told  
5 them there was an opening on your floor near you, is that  
6 correct?

7 A. No. I told them that there was a bed available in my tier.

8 Q. In your tier, correct?

9 A. Yes.

10 Q. And that would be near you, correct?

11 A. Well, yes, right across.

12 Q. And as a result, he was transferred to your tier, correct?

13 A. He wasn't transferred. He was in the unit.

14 Q. He was placed near you?

15 A. In my tier, yes.

16 Q. And at that time you were seeking the government's  
17 assistance for a benefit, to wit, a cooperation agreement,  
18 right?

19 A. Yeah. I was already cooperating with the government, yes.

20 Q. So you felt it might be in your best interests to get more  
21 information, is that right?

22 A. No.

23 Q. Well, you immediately told the government what the  
24 conversation was, didn't you?

25 A. I had to tell them.

D2KMFER4

Darge - cross

1 Q. I'm sorry?

2 A. I had to tell them.

3 Q. But you created a situation where you would be gaining new  
4 information, is that correct?

5 A. I didn't create that situation. I didn't send for him to  
6 be put in my unit, so I could not create that situation.

7 Q. You had spoken with the correction officer indicating that  
8 a bed was available, correct?

9 A. Yes. There was an empty bad in my tier.

10 Q. And you invited this person, who you had just informed  
11 about, into your room?

12 A. Yes. I spoke to Joey Fernandez and told him that the  
13 questions he asked me, we could talk inside my room, yes.

14 Q. And after speaking with him, knowing that you were seeking  
15 the acceptance of the government, you notified the government  
16 that you had such a conversation, correct?

17 A. Yes.

18 Q. And would it be fair to say that as a result you were  
19 hoping to benefit from that conversation, correct?

20 A. No.

21 Q. Sir, would you read to yourself paragraph 1 of the proffer  
22 agreement?

23 A. Top one or the one that says --

24 Q. The one that says paragraph 1.

25 THE COURT: Point it out, Mr. Richman.

D2KMFER4

Darge - cross

1 Q. It says 1.

2 A. Provided the government with information --

3 THE COURT: Don't read it out loud.

4 Q. Read it to yourself.

5 THE COURT: When you're finished reading, Mr. Richman  
6 is going to give you a question.

7 Put your question, Mr. Richman. Let him keep it so he  
8 can refer to it. Let him hold onto it.

9 Q. Did you agree to provide the government with information  
10 and to respond to questions so that the government may evaluate  
11 your information?

12 A. Yes.

13 Q. And it wouldn't be securing new information in furtherance  
14 of that need?

15 THE COURT: Say that again.

16 Q. Would it not be a fact --

17 THE COURT: Did you understand that giving this new  
18 information -- go ahead.

19 Q. -- would benefit you?

20 A. Which new information?

21 Q. The information that you were gathering and speaking to  
22 Joe.

23 THE COURT: I'll rephrase the question.

24 When you were speaking with Mr. Fernandez and he was  
25 speaking with you, did you report that conversation to the

D2KMFER4

Darge - cross

1 government?

2 THE WITNESS: Yes.

3 THE COURT: And when you did, did you appreciate that  
4 you're acting under this agreement that Mr. Richman just showed  
5 you?

6 THE WITNESS: Yes.

7 THE COURT: And was it your purpose to get a benefit  
8 for yourself by reporting this conversation?

9 THE WITNESS: I had to do, you know --

10 THE COURT: The answer is yes or no?

11 THE WITNESS: Yes.

12 THE COURT: Yes?

13 THE WITNESS: Yes.

14 THE COURT: Anything else?

15 MR. RICHMAN: Nothing further.

16 THE COURT: Mr. Capone, you want me to rule?

17 MR. CAPONE: Sure.

18 THE COURT: I rule, unless you want to argue this.

19 MR. RICHMAN: No, your Honor.

20 THE COURT: I have the cases. There are two cases  
21 that are relevant. Massiah v. United States, 377 U.S. 201  
22 (1964), and United States v. Deandrade, 600 F.3d 115, 118 (2d  
23 Cir. 2010). And they allow the government, to the extent  
24 relevant and useful, to provide the information that is  
25 permissible and admissible.

D2KMFER4

Darge - cross

1 One more case, United States v. Rosa, 11 F.3d 315, 329  
2 (2d Cir. 1993).

3 In Rosa, the defendant was housed with a cooperating  
4 witness in the MCC.

5 We don't need Mr. Darge for this, do we?

6 Mr. Darge can be excused.

7 (Witness excused)

8 THE COURT: In Rosa, the defendant was housed with a  
9 cooperating witness in the MCC. The cooperating witness was  
10 unaware the defendant had been moved into his housing unit, ran  
11 into the defendant unexpectedly, and initiated a conversation  
12 with the defendant. The government had not asked the witness  
13 to speak with the defendant. The Second Circuit ruled that the  
14 Sixth Amendment was not violated.

15 This case is a little different. Let us assume for  
16 the sake of argument that the government was aware, when it put  
17 Mr. Fernandez into the MCC, that he was in proximity  
18 geographical relationship to Mr. Darge and it may be that the  
19 government even hoped that a spontaneous conversation might  
20 arise and something useful to its case might result from it.

21 But it's clear there was no pressure on this. The  
22 government did not specifically ask Mr. Darge to elicit this  
23 conversation, even though Mr. Darge may have believed it would  
24 have been useful for him to do that. And it might be  
25 understood from the proffer agreement that a cooperation

D2KMFER4

Darge - cross

1 agreement, that Mr. Darge, even though it was not he that was  
2 being prosecuted, would want to convey to the government the  
3 information that he might elicit, or might just come about from  
4 a conversation with his cousin, Mr. Fernandez. However,  
5 Mr. Fernandez knew that it was Mr. Darge who was cooperating  
6 and whose cooperation led Mr. Fernandez to be arrested and  
7 brought into the housing unit. So Mr. Fernandez was fully  
8 aware that he was speaking with a cooperator and in danger of  
9 having every single remark made to Mr. Darge be reported to the  
10 government. Under the circumstances, there was no violation of  
11 the ruling in Massiah and the conversations, such as it might  
12 be, is admissible. It's admissible only in respect of the  
13 defendant's rights under the Constitution. I still have to  
14 rule that it has relevance and utility to the case.

15 Mr. Richman, anything else?

16 MR. RICHMAN: No, your Honor.

17 My concern here is certain other questions were  
18 elicited from Mr. Darge by the prosecutor that I would like not  
19 to be elicited in front of the jury because it really calls for  
20 speculation.

21 THE COURT: You'll object and I'll rule.

22 MR. RICHMAN: But the problem is, the cat will be out  
23 of the bag.

24 THE COURT: No, it won't. I think I know how to rule  
25 on a case and I know you know how to object and you're loud and

D2KMFER4

Darge - cross

1 forceful. I appreciate your objections. I don't think the  
2 government is going to do anything improper.

3 MR. RICHMAN: Two answers that were given that were  
4 questionable.

5 THE COURT: Give me an example.

6 MR. RICHMAN: I'll give you an example right away. He  
7 says, Gordo also knew and Luis also know.

8 THE COURT: That's hearsay, unless it is tied to some  
9 appreciation of knowledge. If you don't open the door, I don't  
10 think the government is going to ask.

11 MR. RICHMAN: I am not going to open the door. They  
12 asked a question on direct.

13 THE COURT: This was a different purpose.

14 MR. RICHMAN: Putting them on notice.

15 THE COURT: Okay.

16 You're on notice, gentlemen, that Mr. Richman might  
17 object.

18 MR. CRONAN: Your Honor, very briefly, before we break  
19 for lunch, I just wanted to remind the Court that we have a  
20 similar type issue with one other witness that the government  
21 will be calling. That's Mr. Mendez who Mr. Darge briefly  
22 mentioned. He was a cell mate with Mr. Fernandez.

23 THE COURT: Unless there is something different, it's  
24 the same ruling.

25 MR. CRONAN: That situation is squarely on point with

D2KMFER4

Darge - cross

1 Rosa.

2 THE COURT: When I am going your way, it's wise to  
3 keep your mouth shut. You might say something that might cause  
4 me to change my mind. When I went on the bench, one of my  
5 close friends advised everybody in the bar, argue last. Not a  
6 good idea to keep talking.

7 Mr. Richman, can I assume that the same rule would  
8 apply?

9 MR. RICHMAN: I think it's even a little less. You're  
10 better off with that one than this one. I agree with you,  
11 there.

12 THE COURT: Whatever I said with regard to Darge  
13 applies to Mendez as well.

14 Shall we break for lunch. We have got a short lunch.

15 (Luncheon recess)

16 (Continued on next page)



D2KMFER4

Darge - cross

## AFTERNOON SESSION

2:05 p.m.

MR. CRONAN: Your Honor, would you like the marshal to bring out the witness?

THE COURT: Not yet.

First, the defendant, then the witness, then the jury.

MR. BLANCHE: Your Honor, we just put a poster board to address the picture issue for a portion of his testimony, if that's okay.

THE COURT: I am not sure.

(Jury present)

THE COURT: Mr. Minaya, you remain under oath.

Mr. Blanche, you may continue your examination.

GEFFREY MINAYA, resumed.

DIRECT EXAMINATION (cont'd)

BY MR. BLANCHE:

Q. Right before lunch, Mr. Minaya, we were talking about dividing up how the money was going to be divided up.

Do you recall that?

A. Yeah. I was going to have \$3 million for me, 750,000 to Zac, 750,000 to Gordo, and 750,000 to Aladino.

Q. Was anybody else besides you, Gordo, Zac, and Aladino going to be paid any money?

A. Yes. Sonni, DiFrank; Chino Lala and Pepe Ruiz.

Q. Who is Chino Lala?

D2KMFER4

Minaya - direct

1 A. One of my workers.

2 Q. Who is Pepe Ruiz?

3 A. DiFrank's cousin. He was in the stash apartment on Pelham  
4 Parkway.

5 Q. What do you mean when you say he was in the stash  
6 apartment?

7 A. Let's say when I left money in the apartment, he stays  
8 there to take care of it, or drugs.

9 Q. How much money were those individuals going to get paid,  
10 meaning DiFrank Medina, Sonni Cruz, Pepe Ruiz, and Chino Lala?

11 A. \$500 to Sonni, 350 to DiFrank, 300 to Chino, and 180,  
12 something like that, to Pepe Ruiz.

13 Q. Who decided how much each person was going to get paid?

14 A. Like I say, I said for myself \$3 million, and Gordo,  
15 Aladino and Zac, they wanted 750,000.

16 Q. Gordo, Aladino, and Zac decided that for the other people?

17 A. For the other people?

18 Q. Yes.

19 A. No. I did.

20 Q. Pardon me?

21 A. I did.

22 Q. Why did you decide on that amount for those other people?

23 A. Because they were with me working, selling drugs with and  
24 stuff, and they knew about what was going on.

25 Q. So before lunch you were talking about the plan. When you

D2KMFER4

Minaya - direct

1 took the \$3 million, you had agreed to participate in the  
2 murders, correct?

3 A. Yes, sir.

4 Q. What happened after that meeting as far as the murders?

5 A. We had a couple of meetings about like what was going to  
6 happen. So Gordo and Aladino and Zac told me that there was  
7 going to be -- I told them we was going to do it. They were  
8 going to get the trigger men, the shooters. I wanted nothing  
9 to do with that. They said they were going to take care of it.  
10 They were going to get the shooters and do the whole thing.

11 Q. Who told you they were going to get the shooters?

12 A. Aladino and Gordo.

13 THE COURT: 750,000 each?

14 THE WITNESS: Yes.

15 THE COURT: So you were getting 3 million and doing  
16 nothing?

17 THE WITNESS: Well, it was my connect.

18 THE COURT: Your deal?

19 THE WITNESS: Yes.

20 Q. Did you have a discussion about who was going to be  
21 required to pay the shooter?

22 A. They were, Aladino, Zac, and Gordo. They were going to  
23 take from their money and pay them.

24 Q. By the way, when you said it was your connect, why were you  
25 taking so much of the money?

D2KMFER4

Minaya - direct

1 A. Because I was responsible for the whole load and they knew  
2 me. I was responsible for the whole deal.

3 Q. What happened next?

4 A. After that, we had a few meetings. That's when they told  
5 me that they have the shooter. That was going to be Patrick --  
6 Gordo told me he was going to get Patrick and one of his  
7 cousins, which I didn't know.

8 Q. When Gordo told you that he was going to get Patrick, when  
9 was that in relation to when the murders took place?

10 A. You mean how much time?

11 Q. Pardon me?

12 A. You mean how much time?

13 Q. Yes.

14 A. I would say three, four days before.

15 Q. Right about the time of the murders?

16 A. Yeah.

17 Q. And you mentioned that Patrick was going to get somebody,  
18 bring somebody else. How did you learn that?

19 A. Through my brother-in-law, Aladino.

20 Q. What did Aladino tell you?

21 A. That Patrick was going to come with one of his cousins.

22 Q. One of whose cousins?

23 A. Patrick's cousins.

24 Q. Did you ever learn who that cousin was?

25 A. No.

D2KMFER4

Minaya - direct

1 Q. Do you know any members of Patrick's family?

2 A. Yeah. His brother and one of his cousins.

3 Q. Say that again.

4 A. His brother and one of his cousins.

5 Q. Which one of his cousins do you know?

6 A. Tilo.

7 Q. Did you ever learn whether Tito was the cousin that was  
8 recruited?

9 MR. RICHMAN: Objection.

10 THE COURT: Sustained.

11 Q. I'm showing you what's marked as Government Exhibit 11.

12 Do you know who this is?

13 A. That's Boozer.

14 Q. You're saying Boozer?

15 A. Yeah.

16 Q. Who is Boozer?

17 A. Patrick's brother.

18 THE COURT: I thought his name was Tito.

19 THE WITNESS: I said Tito, yes.

20 THE COURT: Tito?

21 THE WITNESS: Tito.

22 THE COURT: Is also Boozer?

23 THE WITNESS: No. Tito is Patrick's cousin.

24 THE COURT: Patrick's cousin is Tito and Patrick's  
25 brother is Boozer?

D2KMFER4

Minaya - direct

1 THE WITNESS: Yeah.

2 MR. RICHMAN: Your Honor, most respectfully, I require  
3 a side bar on this.

4 THE COURT: You want my remarks stricken?

5 MR. RICHMAN: Yes.

6 THE COURT: Stricken.

7 Not everything I do is correct. Disregard what I  
8 said.

9 MR. BLANCHE: The government offers Government Exhibit  
10 11, Boozer.

11 MR. RICHMAN: No objection.

12 (Government's Exhibit 11 received in evidence)

13 Q. Just to be clear, what's Boozer's relationship with  
14 Patrick?

15 A. His brother.

16 THE COURT: We have Patrick and his brother, Boozer,  
17 and Patrick's cousin, not named?

18 THE WITNESS: Tito.

19 THE COURT: Don't name him. That's not a question.  
20 You don't have a name for the question.

21 MR. RICHMAN: Respectfully, I accept what he said, not  
22 what he said.

23 THE COURT: He didn't say anything.

24 MR. RICHMAN: You didn't hear a difference.

25 THE COURT: I sustained your objection to the

D2KMFER4

Minaya - direct

1 question.

2 MR. RICHMAN: But the response that he gave I want  
3 withdrawn on the record.

4 THE COURT: Come on. I'm confused.

5 (Continued on next page)

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D2KMFER4

Minaya - direct

1 (At the side bar)

2 THE COURT: On the record we got Patrick, Boozer, who  
3 was Patrick's brother, and his cousin.

4 MR. BLANCHE: Tito.

5 THE COURT: Is his name Tito?

6 MR. RICHMAN: No.

7 THE COURT: Shall I ask the question, what is  
8 Patrick's cousin's name? Should I say that?

9 MR. RICHMAN: He said Tito. You said Tilo.

10 (Continued on next page)



D2KMFER4

Minaya - direct

1 (In open court)

2 THE COURT: What's the name of the cousin of Patrick?

3 THE WITNESS: Tilo.

4 THE COURT: Spell it.

5 THE WITNESS: T-i-l-o.

6 Q. Do you know, even today, or any time all of Patrick's  
7 cousins?

8 A. Not all of them.

9 Q. So the only family members of Patrick's that you do know,  
10 just to be clear, are whom?

11 MR. RICHMAN: Objection to the form of the question.

12 THE COURT: Overruled.

13 A. Tilo and Boozer and Gordo.

14 THE COURT: What's relationship of Gordo?

15 How do you spell Gordo, G-o-r-d-o?

16 THE WITNESS: Yes.

17 THE COURT: What is the relationship between Gordo and  
18 Patrick.

19 THE WITNESS: They cousins.

20 THE COURT: Also cousins. Are Tilo and Gordo  
21 brothers?

22 THE WITNESS: No. Cousins.

23 THE COURT: They are also cousins?

24 THE WITNESS: Right.

25 Q. What happened next?

D2KMFER4

Minaya - direct

1 A. After that, I agreed with the Mexicans, Arturo and Pancho,  
2 that we was going to get together to count the money in Gordo  
3 and Aladino and Zac's apartment. I had a meeting with the guys  
4 and tell them that, you know --

5 THE COURT: Which guys?

6 THE WITNESS: Aladino, Gordo, and Zac, they wanted to  
7 count the money. I said that we were going to do the murders  
8 there. We were going to do the murders when we were going to  
9 count the money. It was going to take place now.

10 THE COURT: Let's get this straight. All of you were  
11 going to count the money? A money counting party.

12 THE WITNESS: Yes.

13 THE COURT: Where.

14 THE WITNESS: Aladino, Zac, and Gordo's apartment.

15 THE COURT: On Parkside Terrace?

16 THE WITNESS: Yes, your Honor.

17 THE COURT: Who else was going to be there?

18 THE WITNESS: Pancho and Arturo and myself.

19 THE COURT: When was this going to happen?

20 THE WITNESS: In the next couple of days, after we  
21 talk about it.

22 THE COURT: Who is going to schedule it?

23 THE WITNESS: Me and the Mexicans, Arturo and Pancho.

24 Q. By that time were the Mexicans or Arturo and Pancho ever  
25 going to count the money?

D2KMFER4

Minaya - direct

1 A. No, they didn't get to count the money.

2 Q. What was the plan?

3 A. The plan was that Zac was going to get them at the hotel.

4 He was going to bring them to the apartment, to the lobby -- to  
5 the apartment and the lobby -- Patrick was going to be there  
6 with the other shooter, and that's when Zac and the Mexican  
7 comes in, Arturo and Pancho, they was going to kill them there.

8 Q. What happened next?

9 A. We scheduled everything for the next day. I call Pancho in  
10 the night. I let him know that Zac was going to pick him up  
11 the next morning to go so we can meet in the apartment in Park  
12 Place -- Park Terrace.

13 Q. What happened the next day?

14 A. The next day I call -- we agree that like it was going to  
15 be in the morning. They were going to go pick him up. Zac was  
16 going to go pick him up. I woke up the next morning, I call  
17 Zac. When I call Zac he said he was on his way to go pick up  
18 the guys, Arturo and Pancho.

19 Q. Did you tell Arturo and Pancho that it was not going to be  
20 you, that it was going to be Zac that was going --

21 A. I told him that I was going to go pick him up. He was  
22 going to meet at the apartment.

23 Q. And what, if anything, did they say when you told them  
24 that?

25 A. No. They said everything is all right.

D2KMFER4

Minaya - direct

1 Q. After you spoke with Zac the next day, what happened next?

2 A. I went to my mother's house that day. I stayed there.

3 They was supposed to call me back when everything got done.

4 Q. Who is the they that was supposed to be call back?

5 A. Aladino, Zac, and Gordo.

6 Q. When you say when everything got done, what are you talking  
7 about.

8 A. When they get killed.

9 Q. Did you receive a phone call from them?

10 A. No. I stayed at my mother's house waiting for the call.

11 Like two, three hours later, I was trying to call them, Zac,

12 Gordo, and Aladino. They weren't answering the phone. I

13 called Chino Lala and told him to pick me up at my mother's

14 house. He picked me up. We went by where the murder took

15 place.

16 MR. BLANCHE: Ms. Quinones, can you put up Government  
17 Exhibit 19.

18 Q. If you can look up on the screen, Mr. Minaya, you said you  
19 went by where the murders took place?

20 A. Yes.

21 Q. I'm handing you a laser pointer. You can look at the big  
22 screen up there, Mr. Minaya.

23 Can you just indicate where you went with Chino Lala?

24 A. I came through Mosholu Parkway, turned left on Webster

25 Avenue, and came right around here. That's when I saw the

D2KMFER4

Minaya - direct

1 cops, the yellow tapes --

2 THE COURT: Let me do it for the record. The bottom  
3 of Exhibit 19 shows a baseball field. That's Frankie Frisch  
4 Field. Mosholu Parkway runs to it and then runs through Bronx  
5 River Parkway. Webster Avenue is the avenue just before the  
6 green. The testimony of the witness is that he turned left on  
7 Webster Avenue.

8 Where is Webster Avenue here? I'm a little off here.

9 It's a broad avenue, once removed from the avenue  
10 boarding the park. He turns on Webster Avenue to the left and  
11 proceeds north until he gets -- there is sort of a side exit at  
12 Parkside Place. Is that a one-way street?

13 THE DEPUTY CLERK: One-way street, yeah.

14 THE COURT: Going which way?

15 THE DEPUTY CLERK: Coming, so it's --

16 THE COURT: Bottom to top or top to bottom?

17 THE DEPUTY CLERK: From the top to bottom.

18 THE COURT: How do you get on Parkside Place?

19 THE DEPUTY CLERK: I didn't get on. I could see it  
20 from Webster Avenue.

21 THE COURT: You could see it from Webster Avenue?

22 THE DEPUTY CLERK: Yes.

23 THE COURT: I used to live there folks, around there.  
24 Not so close.

25 Q. When you drove in that area with Chino Lala, what did you

D2KMFER4

Minaya - direct

1 see, if anything?

2 A. I saw the tops, the other yellow line they put on. And I  
3 tell them to make a U-turn, and we left, went back to my  
4 mother's house.

5 Q. A U-turn onto Webster?

6 A. Yes.

7 Q. What happened next?

8 A. I tried to call Aladino and Gordo, but they didn't answer  
9 me.

10 Q. Mr. Minaya, if you can slow down so we make sure we hear  
11 it.

12 After they didn't --

13 THE COURT: Hold on. If you sit back and you speak  
14 loudly, you will actually speak louder, slow you down. Forget  
15 about the microphone. It doesn't exist. We will turn it off  
16 in a minute.

17 Q. After you couldn't reach them, what did you do next?

18 A. I stayed at my mother area house the whole afternoon, and I  
19 got in contact with them like around 7:00 in the night.

20 Q. Who did you get in contact with?

21 A. My brother-in-law.

22 Q. Aladino?

23 A. Yes.

24 Q. What did you guys talk about?

25 A. Said, you know, I was calling him all day to see what

D2KMFER4

Minaya - direct

1 happened. They say they were upstate in Zac's house and they  
2 were celebrating and stuff and everything went down good.

3 Q. You said Zac's house upstate. Do you know where that was?

4 A. Not exactly.

5 Q. Did you ever go there?

6 A. No.

7 Q. How far away from the city was it, if you know?

8 A. I think it was like an hour or so.

9 Q. After your brother-in-law told you that, what, if anything,  
10 did you do?

11 A. I stayed at my mother's house. He came -- I met him at my  
12 mother's house.

13 Q. Who did you meet at your mother's house?

14 A. My brother-in-law, Aladino.

15 Q. What happened when he came to your mother-in-law's house?

16 A. He explained everything went down good.

17 THE COURT: He took one of the guys and the other  
18 shooter took the other guy.

19 Q. At that point, after the murders, where is all the money?

20 A. I had it in my house in Pelham Parkway. And Aladino has  
21 money, the money in the car, in the Town Car, the 800,000, and  
22 DiFrank and Sonni had for me. Willie had a little money left  
23 for me.

24 Q. What happened next?

25 A. After that, two days later I left to the Dominican

D2KMFER4

Minaya - direct

1 Republic.

2 Q. Now, did you take the money with you?

3 A. No, sir.

4 Q. Did you take any money with you?

5 A. Like 9,000, \$8,000.

6 Q. So what happened with the money after you went and traveled  
7 to the Dominican Republic?

8 A. Before I left, I gave it to a guy that he delivered money  
9 to the Dominican Republic illegally. He charged 5 percent. I  
10 gave him 300,000. Then like 500,000 at a time so he could  
11 deliver it to me in the Dominican Republic.

12 Q. Did you ask anybody to help you do that?

13 A. No. I did it myself. After that, my cousin Richard.

14 Q. Say that again.

15 A. After I left, my cousin Richard stood in charge of that.

16 Q. Do you know Richard's full name?

17 A. Richard Correa.

18 Q. I'm showing you Government Exhibit 10.

19 Who is that?

20 A. Richard Correa.

21 THE COURT: How do you spell Correa?

22 THE DEPUTY CLERK: C-o-r-r-e-a.

23 MR. BLANCHE: The government offers Government Exhibit  
24 10.

25 MR. RICHMAN: No objection.



D2KMFER4

Minaya - direct

1 THE COURT: It's received.

2 (Government's Exhibit 10 received in evidence)

3 THE COURT: Who was Correa to you?

4 THE WITNESS: My cousin.

5 Q. Just, again, how did he help you --

6 THE COURT: He made arrangements. What's the  
7 difference.

8 Q. So you talked about sending money to the Dominican  
9 Republic. When that's happened, how much do you end up getting  
10 of the overall amount? How much do you end up receiving in the  
11 Dominican Republic?

12 A. Like 1.3, 1.4 million.

13 Q. What did you spend the money on?

14 A. I bought cars, I bought a house. I bought cars here to  
15 sell in the Dominican Republic. And then after that, you know,  
16 I partied.

17 Q. What kind of cars did you buy?

18 A. A BMW M5.

19 Q. What other kind of cars did you buy?

20 THE COURT: What's the difference? He bought cars.

21 Q. You said you bought a house. Was that in the Dominican  
22 Republic?

23 A. Yes, sir.

24 Q. How long were you in the Dominican Republic?

25 A. From February to end of October 2000.

D2KMFER4

Minaya - direct

1 Q. While you were there in the Dominican Republic, did you see  
2 anybody that you had participated in the murder with?

3 A. Yeah. Gordo, Zac, Aladino, Sonni, DiFrank, Chino, Pepe  
4 Ruiz.

5 THE COURT: Everybody?

6 THE WITNESS: Everybody.

7 Q. Did you have conversations with any of those individuals  
8 about the murder while you were in the Dominican Republic?

9 A. We talked, you know, what happened, but not frequently.

10 Q. When you say you talked about what happened, what did you  
11 talk about?

12 A. About, you know, about what happened, like the other money  
13 that people receive and stuff and stuff like that.

14 Q. Now, at that point had you received all the money you were  
15 supposed to get?

16 A. No.

17 Q. How much money had you received compared to what you were  
18 supposed to get?

19 A. Like I said, they stole like \$1.5 million.

20 Q. Who is the they?

21 A. I assume it was my brother-in-law and Gordo and Zac.

22 Q. Now, you've talked a lot today about the \$800,000 in the  
23 Lincoln?

24 A. Yes.

25 Q. Who was that supposed to go to?

D2KMFER4

Minaya - direct

1 A. It was supposed to go to me. I left it in a parking lot  
2 here in New York, the car, with \$800,000. I let my brother  
3 know the ticket of the parking lot, and I told him when I was  
4 in the DR to give the ticket to my cousin, Richard.

5 Q. Ticket to the car?

6 A. Yes.

7 Q. Richard, the guy that we just saw?

8 A. Yes.

9 Q. What happened?

10 A. After that, when I told Richard to go get the money and  
11 count it, so he could start sending the money with the same guy  
12 I was using to bring down the money, he called me back up and  
13 told me that there was no \$800,000. There was only like  
14 \$240,000 left there.

15 Q. What, if anything, did you say to Richard?

16 A. I told him to check good, because there was supposed to be  
17 800,000 there.

18 Q. Did he tell you what had happened when he went to retrieve  
19 the money?

20 A. He said the trap -- the trap was kind of forced.

21 Q. So did Mr. Correa ever come to the Dominican Republic?

22 A. Yes, he did.

23 Q. And when was that?

24 A. I'd say March 2000.

25 Q. Was it before or after he had gotten the money out of the

D2KMFER4

Minaya - direct

1 Lincoln for you?

2 A. After.

3 Q. Who paid for that trip?

4 A. I did.

5 Q. Did you give Mr. Correa any money in exchange for him going  
6 to the Lincoln and getting the money out?

7 A. Yeah. I gave him around like \$30,000 at that time, 30 to  
8 \$50,000. I can't remember.

9 Q. While you were in the Dominican Republic, again, I'm  
10 talking about the months after the murder, did you ever go to  
11 the beach?

12 A. Yes.

13 Q. What's the name of the beach that you went to in the  
14 Dominican Republic?

15 A. Boca --

16 THE COURT: Does it make a difference? Is it really  
17 important?

18 MR. BLANCHE: Yes, your Honor.

19 Q. What's the name of the beach?

20 A. Boca Chica.

21 Q. Did any of the other participants in the murder go with you  
22 to the beach on occasion?

23 A. Yeah. My brother-in-law, Zac sometimes, couple of times.  
24 I can't remember exactly everybody.

25 Q. Did you ever learn -- again, I'm talking about the months

D2KMFER4

Minaya - direct

1 after the murder -- whether there had been any problems between  
2 Patrick and Gordo?

3 A. Yes. I learned that Patrick was mad because he got to know  
4 that all the money that we took, and I think they only pay him  
5 like \$125,000. He wanted some more money.

6 Q. Who is he?

7 A. Patrick.

8 Q. How did you learn that?

9 A. Through my brother-in-law, Aladino.

10 Q. What was your response, if any, when you learned that?

11 A. I said that I don't have nothing to do with that. That was  
12 their business.

13 Q. Did you hear about whether anything had happened to Gordo  
14 in the months after the murder?

15 A. Yes. I heard he was kidnapped.

16 Q. How did you hear that?

17 A. Through my brother-in-law, Aladino.

18 Q. Did you hear he was kidnapped in the Dominican Republic or  
19 in New York?

20 A. No. In New York.

21 Q. When that happened, where were you?

22 A. In the Dominican Republic.

23 Q. Did you ever learn, any idea who kidnapped him?

24 MR. RICHMAN: Objection.

25 A. No.

D2KMFER4

Minaya - direct

1 THE COURT: Sustained.

2 MR. RICHMAN: Relevance.

3 THE COURT: He answered no.

4 Q. When you were in the Dominican Republic, did you ever learn  
5 whether law enforcement had contacted anybody involved with the  
6 murder?

7 A. Yes. I learned that they went to Zac's girlfriend at Zac's  
8 mother's house.

9 Q. Did you know Zac's girlfriend?

10 A. I seen her a couple of times.

11 Q. Did you know her name?

12 A. I remember her name was Nancy, I think.

13 Q. Her name was what?

14 A. Nancy.

15 Q. Who told you that?

16 A. My brother-in-law.

17 Q. So you said you were in the Dominican Republic for about  
18 eight months. What happened next?

19 A. After that, I came back to New York and I started to drug  
20 dealing again with Johan, the Mexican.

21 Q. What drugs were you selling this time?

22 A. Cocaine.

23 Q. Without getting into a lot of details, can you tell us a  
24 little bit about what you were doing at that point?

25 THE COURT: Is this relevant?

D2KMFER4

Minaya - direct

1 MR. BLANCHE: Pardon me?

2 THE COURT: Is this relevant?

3 MR. BLANCHE: I just assume --

4 THE COURT: Seems to me not. Objection sustained.

5 MR. BLANCHE: If defense isn't going to cross him on  
6 it, I'll be happy not to get into it.

7 THE COURT: Is that right?

8 MR. RICHMAN: It's not relevant.

9 THE COURT: If you are going to cross-examine him on  
10 it --

11 MR. RICHMAN: Only the fact that he went into the drug  
12 business again. That's all.

13 THE COURT: He ran a drug business again.

14 Q. You continued selling cocaine over the years, correct?

15 A. Yes.

16 Q. Did you continue to sell cocaine when you were arrested?

17 A. Yes, sir.

18 Q. When was that?

19 A. March 2006.

20 Q. In between the time that you came back in 2000 and when you  
21 were arrested in this case, did you also have guns?

22 A. Yes.

23 Q. How many guns did you have?

24 A. One time we bought like nine guns.

25 Q. Who is the we?

D2KMFER4

Minaya - direct

1 A. Me and Richard, my cousin.

2 Q. And did you use those guns as part of your drug business?

3 A. To protect ourself, and we were going to send somebody to  
4 the Dominican Republic.

5 THE COURT: The guns used to protect yourself, was  
6 that because you feared engaging in narcotics was dangerous and  
7 might cause threats against your life?

8 THE WITNESS: Yes, sir.

9 THE COURT: So you used them in your business?

10 THE WITNESS: Yes.

11 THE COURT: And for your business?

12 THE WITNESS: Yes.

13 THE COURT: In connection with carrying on a narcotics  
14 business?

15 THE WITNESS: Yes.

16 Q. In between your 2000 and your arrest in this case, were you  
17 arrested on other occasions?

18 A. Yeah. In 2002.

19 Q. What were you arrested for in 2002?

20 A. The DEA came to where I live in New Jersey and they found  
21 \$148,000, a gun, and a car with a trap.

22 Q. What happened as a result of that case?

23 A. They pass it to the state and I beat the case. It was  
24 dismissed.

25 THE COURT: I think I'm missing the answer. They



D2KMFER4

Minaya - direct

1 found \$148,000?

2 THE WITNESS: Yes.

3 THE COURT: Plus guns?

4 THE WITNESS: A gun, yeah.

5 THE COURT: Plus one gun.

6 THE WITNESS: Yeah.

7 THE COURT: Plus a car having a trap in which  
8 narcotics could be secreted.

9 THE WITNESS: Yes.

10 THE COURT: And was narcotics secreted in that trap.

11 THE WITNESS: No.

12 THE COURT: But it could be used for that?

13 THE WITNESS: Yes, sir.

14 Q. What happened with that case, Mr. Minaya?

15 MR. RICHMAN: Objection.

16 THE COURT: Sustained.

17 A. It got dismissed.

18 THE COURT: If I sustain an objection, you don't  
19 answer.

20 The jury is to disregard that answer. It's stricken.

21 Q. So I want to direct your attention now to the date of your  
22 arrest, March 27, 2006 in this case.

23 A. Yes.

24 Q. After that date, did there come a time when you agreed to  
25 cooperate with the government?

D2KMFER4

Minaya - direct

1 A. Yes.

2 Q. How long after your arrest?

3 A. I decided to meet with them like a month after I got  
4 arrested.

5 Q. Why did you want to cooperate?

6 A. Because I wanted to come out, back to the streets.

7 Q. So when you decided you wanted to cooperate, what happened?

8 A. The first time I met with the government they asked me  
9 about my narcotics deals and everything was good until they  
10 asked me --

11 THE COURT: Brigitte, can you turn off this mike.

12 THE DEPUTY CLERK: I can't do that anymore. They have  
13 a lock on it.

14 THE COURT: Turn the mike away from him.

15 Q. Keep your voice really loud, Mr. Minaya.

16 When you met with the government the first time, who  
17 was present? I don't mean names, but what people were present?

18 A. My lawyer, the prosecutor, and agents.

19 Q. And you said they asked you about your drug dealing?

20 A. Yes.

21 Q. The first time you met with them, did you tell them about  
22 the murders you testified about today?

23 A. No. I lie about it.

24 Q. How did you lie about it?

25 A. I said I heard about it, but I don't got nothing to do with

D2KMFER4

Minaya - direct

1 it.

2 THE COURT: They asked you about it, about those  
3 murders?

4 THE WITNESS: Yes.

5 THE COURT: They asked if you committed them?

6 THE WITNESS: Yes.

7 THE COURT: And you said.

8 THE WITNESS: No.

9 Q. What happened after that?

10 A. After that, they threw me out of the room. They didn't  
11 want to talk to me again.

12 Q. What happened next?

13 A. Like two months after that, I told my lawyer that I wanted  
14 to cooperate. I was going to come and say the whole truth now.  
15 I understand how things goes.

16 Q. After you told your lawyer that, what happened with your  
17 case next?

18 A. They didn't want to talk to me and they say -- they could  
19 give me a chance to plead guilty to the indictment on the  
20 narcotics I had.

21 Q. Plead guilty with the cooperation agreement or just plead  
22 guilty without an agreement?

23 A. With no agreement.

24 Q. Did you plead guilty without any cooperation agreement?

25 A. Yes.

D2KMFER4

Minaya - direct

1 Q. What did you plead guilty to?

2 A. Drugs conspiracy.

3 Q. Based upon that guilty plea, the one not to a cooperation  
4 agreement, how much time were you facing in prison?

5 A. 22 years.

6 Q. After you pled guilty to the drugs, did there come a time  
7 when the government did agree to meet with you again?

8 A. Yes.

9 Q. And so when was that in time?

10 A. Couple of months after that. I say like fall 2006.

11 Q. When you met with the government that second time, after  
12 you pled guilty, did you tell the truth?

13 A. Yes, sir.

14 Q. And, again, was that the same environment, your lawyer,  
15 prosecutors, agents?

16 A. Yes.

17 Q. Since that time have you met with the government on other  
18 occasions?

19 A. Yes.

20 Q. How many occasions?

21 A. A lot.

22 Q. Could you estimate how many?

23 A. More than 25, 30.

24 Q. As a result of those meetings, did there come a time when  
25 you pled guilty again?

D2KMFER4

Minaya - direct

1 A. Yes.

2 Q. What did you plead guilty to that second time?

3 A. The murders and the drugs conspiracy.

4 Q. Now, the second time that you pled guilty, was that with an  
5 agreement with the government?

6 A. Yes, sir.

7 Q. What kind of agreement was that?

8 A. A cooperation agreement.

9 Q. I'm showing you what's been marked for identification as  
10 3504-D.

11 Do you recognize 35004-D?

12 A. This is the agreement.

13 Q. It's what agreement?

14 A. The one I pled guilty to.

15 Q. Can you turn to the very last page, sir.

16 A. Yes.

17 Q. Is your signature there?

18 A. Yes.

19 Q. And your lawyer's signature?

20 A. Yes.

21 Q. And representatives from the government?

22 A. Yes.

23 MR. BLANCHE: The government offers 3504-D.

24 MR. RICHMAN: No objection.

25 THE COURT: Received.

D2KMFER4

Minaya - direct

(Government's Exhibit 3504-D received in evidence)

Q. What's your understanding of the maximum term of imprisonment you face based on what you pled guilty to?

A. Life.

Q. What's your understanding of the mandatory minimum term of imprisonment you face based upon what you pled guilty to?

A. Life.

Q. Life?

A. Yes.

Q. Have you been sentenced yet?

A. No, sir.

Q. So that agreement that you just looked at, 3504-D, what's your understanding of what your obligations are under this agreement?

A. To cooperate and say the truth to the government about all my criminal activities.

THE COURT: What else?

Q. What's your understanding of what the government --

THE COURT: And what else?

THE WITNESS: Say the truth.

THE COURT: How about cooperation?

THE WITNESS: Cooperation, cooperate with the government.

THE COURT: What's your understanding?

THE WITNESS: Cooperate with the government in

D2KMFER4

Minaya - direct

1 everything they ask me.

2 THE COURT: What does that mean to you?

3 THE WITNESS: Things that I did, information I have to  
4 give to them.

5 THE COURT: What kind of information do you have to  
6 give to them?

7 THE WITNESS: Things that I have been involved  
8 criminal.

9 THE COURT: How about personal?

10 THE WITNESS: Personal, too.

11 THE COURT: Tell me what you have to do.

12 THE WITNESS: Say everything I have done to the  
13 government.

14 THE COURT: And everything you know?

15 THE WITNESS: And everything I know, yes, sir.

16 THE COURT: Go ahead, Mr. Blanche.

17 Q. It may be obvious, but do you have to testify?

18 A. Yes.

19 Q. Do you get a choice in what proceeding you testify in?

20 A. No.

21 Q. When you first started cooperating with the government back  
22 and first started telling the truth after you pled guilty, did  
23 the government just ask you about murders or about the drug  
24 dealing, too?

25 A. The drug dealing, too.

D2KMFER4

Minaya - direct

1 Q. If you live up to your end of the bargain by cooperating,  
2 what's your understanding of what the government is going to do  
3 for you?

4 A. They are going to write a 5K1 letter to the judge.

5 Q. What's your understanding of what a 5K1 letter is?

6 A. It's a cooperation agreement, a letter.

7 Q. And who does that letter go to?

8 A. The judge.

9 Q. Which judge?

10 A. My judge.

11 Q. The judge that sentences you?

12 A. Yes.

13 Q. What's your understanding of what goes in that letter?

14 A. Everything I've done with the government, all the  
15 information I gave, all the cooperation I did.

16 Q. Is it just the good stuff goes in the letter or everything  
17 goes in that letter?

18 A. Everything.

19 Q. If the government writes that 5K1 letter to the judge,  
20 what's your understanding of what it allows the judge to do?

21 A. Reduce my sentence.

22 Q. If the government writes that letter, does the judge have  
23 to reduce your sentence?

24 A. No.

25 Q. Is it your understanding about whether the government is



D2KMFER4

Minaya - direct

1 going to recommend any particular sentence to the judge?

2 A. No.

3 (Continued on next page)

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D2k0fer5

Minaya - direct

1 Q. So, ultimately, who determines your sentence?

2 A. The judge.

3 Q. Now, and you mentioned this earlier, but is it fair to say  
4 you're testifying in hopes of receiving a reduced sentence?

5 A. Yes.

6 Q. Has anybody made any promise to you --

7 A. To --

8 Q. -- about what your sentence will be?

9 A. No.

10 Q. Now, if you violate any term of your cooperation agreement,  
11 will the government write the 5K letter?

12 MR. RICHMAN: Objection.

13 THE WITNESS: No.

14 THE COURT: Overruled. What's your understanding?

15 MR. RICHMAN: That's the question.

16 THE COURT: Is it your understanding that the  
17 government has to write the letter.

18 THE WITNESS: Yes.

19 THE COURT: It has to write the letter?

20 THE WITNESS: I mean if everything I -- I -- I agree  
21 in the cooperation.

22 THE COURT: If you cooperate.

23 And let's suppose, in the government's opinion, you  
24 didn't cooperate enough, does it have to write the letter?

25 THE WITNESS: No.

D2k0fer5

Minaya - direct

1 THE COURT: It's up to the government.

2 THE WITNESS: Yes.

3 BY MR. BLANCHE:

4 Q. What's your understanding if the government does not write  
5 the letter?

6 A. I don't get no agreement, I get sentenced, the judge  
7 sentences me to whatever I plead to.

8 Q. Are you allowed to take your guilty plea back if that  
9 happens?

10 A. No.

11 Q. And just to be clear, what has to happen, what is your  
12 understanding of what has to happen for the government not to  
13 write that letter?

14 A. If I lie or something like that, or do something illegally  
15 again.

16 Q. Now --

17 THE COURT: Or if you don't cooperate enough.

18 THE WITNESS: Yeah.

19 BY MR. BLANCHE:

20 Q. Mr. Minaya, I want to go back just for a few questions to  
21 the time period of the murder in February 2000. You mentioned  
22 calling people on the phone.

23 What kind of phone did you have at that time?

24 A. Prepaid phone.

25 Q. But was it a cellular phone?

D2k0fer5

Minaya - direct

1 A. Cellular phone, yeah.

2 Q. And did you use that phone to call individuals who lived  
3 outside of the State of New York?

4 A. Yes.

5 Q. And where -- like where do they live?

6 A. Texas, Chicago, Dominican Republic.

7 Q. And how often did you switch your phones at that time?

8 A. I would say every week.

9 Q. And just one more picture I would like to show you.

10 THE COURT: What, did you buy a phone; right?

11 THE WITNESS: Yeah, buy the phone.

12 THE COURT: You go into a store, and buy a phone  
13 without registering your name; right?

14 THE WITNESS: Yes.

15 THE COURT: And you prepay a certain amount on the  
16 phone?

17 THE WITNESS: Yes, pull the card.

18 THE COURT: And when you are tired of using it, you  
19 throw it away?

20 THE WITNESS: Yes.

21 THE COURT: And get another phone.

22 THE WITNESS: Yes.

23 THE COURT: And another phone.

24 THE WITNESS: Yes.

25 THE COURT: And another one.

D2k0fer5

Minaya - direct

1 THE WITNESS: Yes.

2 THE COURT: Without ever leaving your name.

3 THE WITNESS: Yeah.

4 BY MR. BLANCHE:

5 Q. And were those phones whichever one you had, if you  
6 switched it out, all able to call outside of the State of New  
7 York?

8 THE COURT: You call however minutes you have, that's  
9 what you call; right?

10 THE WITNESS: Yeah.

11 BY MR. BLANCHE:

12 Q. I'm showing you government exhibit 17.

13 THE COURT: Another picture.

14 MR. BLANCHE: Yes, your Honor.

15 Q. Do you recognize --

16 THE COURT: I was hoping there would be another  
17 picture.

18 MR. BLANCHE: It's the last one, your Honor.

19 BY MR. BLANCHE:

20 Q. Do you recognize the person depicted in 79?

21 A. Yes. Arturo.

22 Q. Arturo is a victim?

23 A. One of the victims, yeah.

24 MR. BLANCHE: Government offers government exhibit 79.

25 MR. RICHMAN: I have no objection.

D2k0fer5

Minaya - direct

1 THE COURT: Received.

2 (Government's Exhibit 79 received in evidence)

3 THE COURT: Do you want the jury to see this beautiful  
4 picture?

5 MR. BLANCHE: Sure. Just briefly, your Honor. We'll  
6 highlight the photo.

7 THE COURT: That's truly beautiful.

8 BY MR. BLANCHE:

9 Q. Thank you.

10 MR. BLANCHE: The government has no further questions  
11 at this time.

12 THE COURT: Cross-examination, Mr. Richman?

13 CROSS-EXAMINATION

14 BY MR. RICHMAN:

15 Q. Good afternoon, Mr. Minaya?

16 A. Hi, sir.

17 Q. Have you and I ever met?

18 A. Huh?

19 THE COURT: Have you ever met Mr. Richman before.

20 BY MR. RICHMAN:

21 Q. That was not a hard question, was it? You and I have never  
22 met, right?

23 A. No, sir.

24 Q. And I have never spoken to you, obviously, either, on the  
25 phone or anything?

D2k0fer5

Minaya - cross

1 A. No.

2 Q. Now, when you were arrested in 2006, shortly after your  
3 arrest you started to cooperate with the government, correct?

4 A. Yes.

5 Q. And you sat and met with them in excess of 25 times; right?

6 A. Yes.

7 Q. Yes?

8 A. Yes.

9 Q. And you -- you, in fact, pursuant to a proffer agreement,  
10 you made notes -- forgive me. There were -- there were actual  
11 notations made on the dates that you went and met with the  
12 government, is that right?

13 A. I guess.

14 Q. Now, you saw people taking notes of your discussions of  
15 those days; right?

16 A. Yes.

17 Q. Now, look, you have been a drug dealer a good part of your  
18 entire life; right?

19 A. Yes.

20 Q. And we're not talking about nickel and dime bags on the  
21 street, you're a big mover; correct?

22 A. Yes.

23 Q. You moved hundreds of keys of heroin and cocaine; is that  
24 right?

25 A. Yes.

D2k0fer5

Minaya - cross

1 Q. I mean and you're familiar with guns; right?

2 A. Yes. Yes.

3 Q. I mean you're a gangster?

4 A. If you say.

5 Q. Well --

6 THE COURT: What do you say? What do you say.

7 THE WITNESS: Yeah.

8 Q. And you have spent your life, in a life of crime?

9 A. Yes.

10 Q. And, in fact, did you ever do anything legitimately?

11 THE COURT: Probably kissed a girl.

12 Q. Now -- and you associated with other persons who were  
13 gangsters, correct?

14 A. Yes.

15 Q. And those persons, in all of those charts that you saw,  
16 they are all gangsters; right?

17 A. Yeah.

18 Q. And, in fact, Boozer is a gangster?

19 A. Yes.

20 Q. Gordo is a gangster?

21 A. Yes.

22 Q. Your cousin -- your cousin is a gangster; yes?

23 What's his name?

24 A. I got two cousins.

25 Q. Whatever the names are, which ones are they?



D2k0fer5

Minaya - cross

1 A. Richard and Carlos.

2 Q. Richard and --

3 A. Carlos.

4 Q. And they are both gangsters; right?

5 THE COURT: Who is the second guy? Carlos?

6 THE WITNESS: Yeah.

7 Q. And by the way, Patrick is a gangster, also?

8 A. Yeah. He used to sell heroin. And do bank fraud.

9 Q. And when did you first meet Patrick?

10 A. When I was around, like, 16.

11 Q. When you were 16?

12 A. Yeah.

13 Q. And you were friendly with him?

14 A. Yes. We played basketball sometimes.

15 Q. And you sold drugs together sometimes?

16 A. Only made like one deal with him one time, I think.

17 Q. And he was a -- I think you referred to him at one time,  
18 was you knew him as an enforcer?

19 A. Yes.

20 Q. Could you tell us what the term "enforcer" means to you?

21 A. It means that, you know, he carried guns.

22 Q. I can't hear you, please, sir?

23 A. He carried guns. You know, they had -- because they had  
24 heroin, they used to sell heroin, him and his cousin, his  
25 brother. They'd have shootouts and stuff. That's how I know

D2k0fer5

Minaya - cross

1 him.

2 Q. So, wait. You are saying that he and his brother Boozer --

3 A. Yes.

4 Q. -- Alan Darge, sold heroin together --

5 A. Yes.

6 Q. -- correct? And they possessed guns together, correct?

7 A. Yes.

8 Q. And Darge was an enforcer, right?

9 A. Yes.

10 Q. And you knew him to use guns; is that right?

11 A. Yes.

12 Q. And you knew him to kill somebody, right?

13 A. Well, after the murder took place, that's when I knew.

14 Q. And you knew him to be a pretty bad guy?

15 A. Well, after -- after what happened, yeah, when he killed  
16 the Mexicans, yeah, yeah.

17 Q. And you knew that he didn't have any compulsions about  
18 killing, or lying, or stealing; he would do it all, right?

19 A. Well, you know, he got paid, he would do what they pay him  
20 for.

21 THE COURT: So the answer is yes.

22 THE WITNESS: Yeah.

23 Q. Now --

24 MR. RICHMAN: May I see the -- the board of photos?

25 May I?

D2k0fer5

Minaya - cross

1 MR. BLANCHE: Sure. Put it up?

2 MR. RICHMAN: Would you mind?

3 MR. BLANCHE: No.

4 BY MR. RICHMAN:

5 Q. Now, sir, you have identified all of these men as men who  
6 you worked with in the narcotics trade, and in the homicide;  
7 correct?

8 A. Yes, sir.

9 Q. And, now, Patrick is a cousin to Gordo?

10 A. Yes.

11 Q. Patrick is a brother to -- well, Alan Darge, whose picture  
12 does not appear here; right?

13 A. Boozer.

14 Q. Boozer?

15 THE COURT: Alan Darge is Boozer?

16 Q. Right?

17 A. I know him by Boozer.

18 THE COURT: You don't know if he is Alan?

19 THE WITNESS: I don't know, no.

20 BY MR. RICHMAN:

21 Q. I show you that --

22 THE COURT: Another picture. Another picture,  
23 Mr. Richman.

24 MR. RICHMAN: Yes, your Honor. Respectfully.

25 BY MR. RICHMAN:

D2k0fer5

Minaya - cross

1 Q. I show you government exhibit 11.

2 Do you recognize that person?

3 A. Yeah, Boozer.

4 Q. And that is the person you named as Boozer; right?

5 A. Yes.

6 Q. And do you know him to be the brother of Patrick Darge?

7 A. Patrick, yes.

8 Q. And do you know Patrick Darge and Boozer to work as a team?

9 A. They did. Since when I knew them.

10 Q. They worked as a team?

11 THE COURT: Since when -- I didn't hear what you said.

12 THE WITNESS: I said they work as a team.

13 MR. RICHMAN: Since he knew them, your Honor. That  
14 was the completion of the words.

15 THE COURT: Thank you.

16 BY MR. RICHMAN:

17 Q. And you indicated that Patrick and Boozer worked together.  
18 You would assume that Patrick knew what Boozer was doing?

19 A. Yes.

20 Q. There came a point in the year 2000 when profit was not  
21 enough for you; correct?

22 A. Yes.

23 Q. You wanted it all; correct?

24 A. Yes.

25 Q. Whatever moneys was supposed to go to the Mexicans, you

D2k0fer5

Minaya - cross

1 were going to deprive them of; right?

2 A. Yes.

3 Q. And Mr. Blanche said that you had agreed to participate,  
4 you didn't agree to participate, you planned to kill the guys;  
5 right?

6 MR. BLANCHE: Objection.

7 THE COURT: Overruled.

8 If you can answer the question.

9 THE WITNESS: No. I mean I agreed to it, I didn't  
10 plan it by myself.

11 BY MR. RICHMAN:

12 Q. You didn't plan it by yourself?

13 A. No.

14 Q. Who else planned it with you, Gordo?

15 A. Gordo, Aladino, and Zak.

16 Q. Gordo is the cousin to Darge.

17 A. Patrick.

18 Q. Aladino is your cousin?

19 A. My brother-in-law.

20 Q. And Zak, what is his relationship?

21 A. No, I know him growing up.

22 Q. And so you all planned to do a -- you wanted to get the  
23 most of the money; right?

24 A. Yes, sir.

25 Q. Because you are the boss?

D2k0fer5

Minaya - cross

1 A. I was the -- that was my connect.

2 Q. You were the boss?

3 A. Yeah.

4 Q. Yes?

5 A. Yes.

6 Q. Whose decision was it to make -- to go to Darge?

7 A. Gordo and Aladino.

8 Q. Gordo, Darge's cousin; correct?

9 A. Yes.

10 Q. He was the one that went to get Darge; right?

11 A. Yes.

12 Q. And you needed a second shooter; correct?

13 A. Yes, sir.

14 Q. Now, all of those guys were -- also had guns, right?

15 A. Yeah --

16 THE COURT: Who is "those guys."

17 MR. RICHMAN: Those guys that we discussed before, the  
18 ones that are on that -- that board.

19 THE COURT: Why don't you confine yourself to the  
20 three guys he was talking about --

21 MR. RICHMAN: Look at them and say --

22 THE COURT: -- Aladino, Zak, and Gordo.

23 BY MR. RICHMAN:

24 Q. They carried guns, too; right?

25 A. Yes.

D2k0fer5

Minaya - cross

1 Q. And they were not afraid to use them; right?

2 A. Probably not.

3 Q. And in fact, you believe, you understood that the second  
4 shooter was Alan Darge; Boozer, right?

5 A. No, I never said that.

6 Q. You never said that, right?

7 THE COURT: Alan is not in evidence, Mr. Richman.

8 MR. RICHMAN: Sorry.

9 THE COURT: Alan is not in evidence. Boozer is how he  
10 knew him.

11 BY MR. RICHMAN:

12 Q. Okay. Boozer, you believed Boozer was the second shooter;  
13 right?

14 A. I thought about it, but then they told me it was a cousin  
15 of his.

16 Q. You thought about it and you told the government that,  
17 didn't you?

18 A. I don't remember.

19 MR. RICHMAN: Bear with me a moment, your Honor.

20 Q. Do you remember having a meeting with the government, the  
21 seventh meeting, a report prepared December 11, 2007?

22 A. December 11? I met a lot of times with the government. I  
23 can't recall every time I met with them.

24 THE COURT: Wait for a question.

25 Q. Do you remember telling the agents at that time that you

D2k0fer5

Minaya - cross

1 thought the shooter would be Boozer, Patrick's brother?

2 A. I said I told them that I -- I thought about it for a  
3 while, a little time. But, you know, then I learned it was not  
4 him.

5 Q. But that in 2000 -- who told you it wasn't him?

6 A. My brother-in-law, Aladino.

7 Q. But you were in jail at the time you told this to the  
8 Government; right?

9 A. Yeah, but we were talking about it back in 2000.

10 Q. And Aladino told you it was Tilo; correct?

11 A. He -- no, he didn't tell me it was Tilo.

12 Q. He didn't?

13 A. I don't recall right now. I don't remember. It was a lot  
14 of meetings with -- we did a lot of meetings. We did a lot of  
15 things, saying --

16 Q. Well, you said a lot of things --

17 THE COURT: When you told -- when you told the  
18 government that it was Boozer, and then you said you learned  
19 after that that it was not Boozer, did you tell the government  
20 who it was?

21 THE WITNESS: No. I said -- I -- I didn't tell them.  
22 I know it was a cousin of Patrick, that's what they told me.

23 THE COURT: Did you tell the -- did you tell the  
24 government it was not Boozer.

25 THE WITNESS: I can't remember right now, sir.



D2k0fer5

Minaya - cross

1 BY MR. RICHMAN:

2 Q. Did you tell the government it was a person named Tilo?

3 A. I can't recall. I know it was a cousin of Patrick, I told  
4 them.

5 MR. RICHMAN: May I approach the witness -- oh, never  
6 mind, your Honor.

7 MR. BLANCHE: Objection, your Honor, just to --

8 THE COURT: He has not asked a question.

9 MR. BLANCHE: Well, just that he approached the  
10 witness, I don't know what he is showing the witness, if he  
11 could tell me what he is showing the witness.

12 THE COURT: He'll show you -- show Mr. --

13 Q. Does this refresh your recollection?

14 THE COURT: Show it to the government.

15 MR. RICHMAN: Oh.

16 THE COURT: Identify what you are showing the witness,  
17 Mr. Richman.

18 MR. RICHMAN: Report of investigation.

19 THE COURT: No, there is a number on it.

20 MR. BLANCHE: I believe it is 3504R.

21 Thank you.

22 THE COURT: Do you have the numbers?

23 MR. RICHMAN: Not on this one, your Honor.

24 THE COURT: Use stuff that has numbers on it, so you  
25 can identify it properly.

D2k0fer5

Minaya - cross

1 MR. RICHMAN: Mine doesn't have the numbers.

2 Q. Does that refresh your recollection?

3 THE COURT: Looking at 3504R.

4 MR. RICHMAN: R, your Honor.

5 MR. BLANCHE: And I believe he is referring the  
6 witness to --

7 THE COURT: That's enough.

8 3504R, that's why we put numbers on it.

9 A. Probably at the time, I did say it.

10 THE COURT: So is your recollection refreshed?

11 THE WITNESS: A little bit. I don't remember saying  
12 it.

13 THE COURT: So when something is shown to you, and you  
14 are asked to refresh your recollection, there are three  
15 answers: Yes, it refreshes my recollection, the answer thus  
16 and so; or it does not refresh my recollection; or I don't  
17 know.

18 THE WITNESS: It does not refresh my recollection.

19 THE COURT: It does not refresh your recollection,  
20 then you can't tell what was said.

21 BY MR. RICHMAN:

22 Q. So you don't remember saying that or -- or if that was said  
23 at all, correct?

24 A. No.

25 Q. At some point in time, did you tell the government that --

D2k0fer5

Minaya - cross

1 that you thought that the other shooter was Tilo?

2 THE WITNESS: No. After that, no.

3 THE COURT: Oh, so you left the government with the  
4 impression that the other shooter was Boozer?

5 THE WITNESS: No, I said it was a cousin of his.

6 THE COURT: But you said before that it was Boozer.

7 THE WITNESS: No.

8 THE COURT: No?

9 BY MR. RICHMAN:

10 Q. By the way, you know Tilo, don't you; you know the name  
11 Tilo, don't you?

12 A. I know him.

13 Q. That's Patrick Darge's cousin; right?

14 A. Yes.

15 Q. His name is have Joseph Agramante; is that correct?

16 A. I don't know his name.

17 Q. You know it is not that man, correct?

18 A. Yes.

19 Q. You don't know that man at all, do you?

20 A. No.

21 Q. You never saw that man, right?

22 A. No.

23 Q. You never were involved with that man in any of your  
24 narcotics activities, were you?

25 A. No.

D2k0fer5

Minaya - cross

1 Q. After the murders, all you guys got together in the DR;  
2 right?

3 A. Yes.

4 Q. "DR," meaning the Dominican Republic?

5 A. Yes.

6 Q. You all went down to party?

7 A. Yes.

8 Q. You all had all this money; correct?

9 A. Yes.

10 Q. You had thousands and thousands of dollars to spend; right?

11 A. Yes.

12 Q. Did you see that man with you?

13 A. No.

14 Q. Was he with you?

15 A. No.

16 Q. Was he partying with you?

17 A. No.

18 Q. By the way, you would work at the Live Wire Sound or hung  
19 around there; right?

20 A. I hung around there.

21 Q. Live Wire Sound, tell the jury what it was.

22 A. It was where they make -- they put music, but they do stats  
23 on the cars, secret compartments on cars.

24 Q. It was a place to build stashes for drugs; right?

25 A. Yes.

D2k0fer5

Minaya - cross

1 Q. In cars; right?

2 A. Yes.

3 Q. As you earlier described; right?

4 A. Yes, sir.

5 Q. And who owned that place?

6 A. Gordo and Patrick.

7 Q. Gordo, who was a cousin to Patrick Darge, correct?

8 A. Yes.

9 Q. And they owned it together, right?

10 A. Yes.

11 Q. And they hung around there, right?

12 A. Yeah.

13 Q. With all of the fellows indicated, with the rest of those  
14 guys; right?

15 A. Yeah. Most of them.

16 Q. But not this man?

17 A. No, I never saw him.

18 Q. You never saw him before, right?

19 A. No.

20 MR. RICHMAN: I have no further questions.

21 THE COURT: Redirect?

22 MR. BLANCHE: Briefly, your Honor.

23 REDIRECT EXAMINATION

24 BY MR. BLANCHE:

25 Q. Mr. Minaya, when defense counsel was asking you whether you

D2k0fer5

Minaya - redirect

1 were a gangster, do you recall those questions?

2 A. Yes.

3 Q. Are you in a formal gang?

4 MR. RICHMAN: Objection.

5 A. No.

6 THE COURT: We're not going to worry about the formal  
7 definition of gangster, are we?

8 BY MR. BLANCHE:

9 Q. Well, when you answered yes, you're in a gang, what was  
10 your understanding --

11 MR. RICHMAN: I didn't ask the question if he was in a  
12 gang.

13 THE COURT: Folks, folks. He said he was a gangster.

14 BY MR. BLANCHE:

15 Q. When you answered the question that you were a gangster,  
16 what did you mean by that?

17 A. Drug dealer, doing illegal stuff. That, for me, is a --

18 THE COURT: Stuff violating the law?

19 THE WITNESS: Violating the law, yeah.

20 THE COURT: That's what you meant by a gangster.

21 THE WITNESS: Yeah.

22 BY MR. BLANCHE:

23 Q. And when defense counsel asked you about the men on this  
24 board, whether they were gangsters and -- you answered yes for  
25 the same reason?

D2k0fer5

Minaya - redirect

1 A. Yes, sir.

2 Q. Now, defense counsel asked you about meetings with the  
3 government, when you talked about the possibility that a -- it  
4 could have been Boozer, correct?

5 A. Uh-huh.

6 Q. Do you remember those questions?

7 A. Yes.

8 Q. When you were telling the government about that, what were  
9 you talking about?

10 A. We were talking about like people that -- that were around  
11 that could have -- could have been the second shooter.

12 Q. So at the time of the murders back in 2000, did you think  
13 that it could have been Boozer?

14 A. Like I said, for -- I thought about it. It could have been  
15 him.

16 Q. Why?

17 A. Because he was -- violence. I heard he was in shootings  
18 and stuff like that.

19 Q. He was what?

20 A. He was involved in shootings and stuff.

21 Q. And so, at the time, you thought it could have been Boozer,  
22 who you know; correct?

23 A. Yes.

24 Q. This person right here, government exhibit 11; correct?

25 A. Yes.

D2k0fer5

Minaya - redirect

1 Q. But when you had a conversation with your brother-in-law,  
2 what did he tell you about who the second shooter was?

3 A. That it was a cousin of Patrick.

4 Q. And do you know -- is Tilo a cousin of Patrick's?

5 A. Yes.

6 Q. Do you know whether Patrick has other cousins?

7 A. Yeah. They told me he has more cousins.

8 THE COURT: Who is "they?"

9 THE WITNESS: Gordo and Aladino.

10 BY MR. BLANCHE:

11 Q. Gordo and Aladino told you, what?

12 A. That there are more cousins.

13 Q. And defense counsel constantly pointed to this man, right  
14 here; correct?

15 A. Yes.

16 Q. Do you know whether that is a cousin of Patrick?

17 A. I don't know.

18 Q. Do you have any idea?

19 A. No.

20 Q. Could it be a cousin of Patrick?

21 MR. RICHMAN: Objection.

22 THE COURT: Sustained.

23 A. Could be.

24 THE COURT: Sustained.

25 BY MR. BLANCHE:



D2k0fer5

Minaya - redirect

1 Q. Now, when you talked about not -- when defense counsel  
2 asked whether that man had ever been in the Dominican Republic  
3 with you and the other participants, you said no; correct?

4 A. Yes.

5 Q. Do you have any idea where that man was after the murders?

6 A. No.

7 MR. RICHMAN: Objection.

8 THE COURT: Overruled.

9 BY MR. BLANCHE:

10 Q. When defense counsel asked you about Live Wire -- which is  
11 a place you hung out before the murders, correct?

12 A. Yes.

13 Q. You remember seeing this man there?

14 A. No.

15 Q. Do you have any idea where he was during that time?

16 A. No, sir.

17 Q. And you have no idea who he is, correct?

18 A. No.

19 MR. RICHMAN: No further questions, your Honor?

20 THE COURT: You're excused, thank you very much.

21 MR. RICHMAN: May I reopen for one question?

22 THE COURT: Go ahead. Only because I love you,  
23 Mr. Richman.

24 MR. RICHMAN: At least someone does.

25 THE COURT: Crossing the redirect, if not --

D2k0fer5

Minaya - redirect

1 RE CROSS EXAMINATION

2 BY MR. RICHMAN:

3 Q. Gordo stated that the shooter had to know Zak; correct?

4 A. What was that?

5 THE COURT: Objection sustained.

6 Q. I didn't ask the question.

7 THE COURT: I see where you're going, and it is not  
8 crossing redirect.

9 MR. RICHMAN: The rest of the question will make it --

10 THE COURT: Then ask the question.

11 BY MR. RICHMAN:

12 Q. They didn't --

13 THE COURT: Ask the question with a question mark at  
14 the ending, Mr. Richman.

15 MR. RICHMAN: Okay.

16 THE COURT: No preface, just a question.

17 BY MR. RICHMAN:

18 Q. So it would not be a mistake, would it not be a fact that  
19 the shooter would have to know Zak?

20 MR. CAPONE: Objection.

21 THE COURT: Did you believe that the shooter knew Zak?

22 THE WITNESS: I assumed that they --

23 THE COURT: You assumed it, you didn't know.

24 THE WITNESS: I didn't know, yeah.

25 THE COURT: Okay, thanks. Thanks very much. You are

D2k0fer5

Minaya - recross

1 excused.

2 MR. RICHMAN: Thank you.

3 MR. BLANCHE: No further questions.

4 (Witness excused)

5 MR. BLANCHE: Next witness.

6 THE COURT: Hold on.

7 Okay, next witness.

8 MR. CAPONE: Next witness is Patrick Darge.

9 The marshals will take a minute to bring him up.

10 THE COURT: The jury will take a five-minute recess.

11 Leave your books on the chairs.

12 (Jury excused)

D2k0fer5

Minaya - recross

1 (In open court)

2 THE COURT: Be seated.

3 How many witnesses do you have?

4 MR. BLANCHE: We have, after Mr. Darge we have about  
5 eight or nine more, your Honor.

6 THE COURT: Who? All of the pictures?

7 MR. BLANCHE: Pardon me?

8 THE COURT: All of the pictures?

9 MR. BLANCHE: No, only a couple more from the  
10 pictures; two more from the pictures; crime scene; medical  
11 examiner; and some other fact witnesses that are not  
12 incarcerated that are pretty quick.

13 THE COURT: We're making record time.

14 MR. BLANCHE: Pardon me?

15 THE COURT: We're making record time.

16 MR. BLANCHE: We are actually making very good time.

17 MR. RICHMAN: Talking about time, may I have five  
18 minute?

19 THE COURT: Yes.

20 MR. RICHMAN: Thank you.

21 (Recess)

22 THE DEPUTY CLERK: All rise.

23

24

25

D2k0fer5

Minaya - recross

1 (In open court)

2 (Jury present)

3 THE COURT: Be seated, everyone. The witness is  
4 Patrick Darge. He will be sworn.

5 Mr. Capone, let him be sworn.

6 Pay attention to the oath, please.

7 PATRICK DARGE,

8 called as a witness by the Government,

9 having duly affirmed, testified as follows:

10 THE COURT: Mr. Darge, I want you to project your  
11 voice to the clock.

12 THE WITNESS: Okay.

13 THE COURT: Make believe there is no mic.

14 DIRECT EXAMINATION

15 BY MR. CAPONE:

16 Q. Afternoon, Mr. Darge?

17 A. Good afternoon.

18 Q. How old are you?

19 A. Forty.

20 Q. Where were you born?

21 A. Puerto Rico.

22 Q. And where did you grow up?

23 A. I was born in Puerto Rico, and at the age of three, about,  
24 I came to the U.S.

25 THE COURT: You were born in the U.S.

D2k0fer5

Darge - direct

1 THE WITNESS: Well, yes.

2 THE COURT: You came to the mainland.

3 THE WITNESS: To the mainland, right.

4 A. And from the age of three to five, my father took us to  
5 France. And from ages five to about nine, I came back to the  
6 U.S.

7 Q. Came back to the U.S. when you were nine?

8 A. About, yes.

9 Q. And where did you live when you came back?

10 A. I lived in the Bronx with my grandmother on 184th Street.

11 Q. And did you grow up in the Bronx?

12 A. Yes.

13 Q. How far did you go in school?

14 A. I dropped out at 11th grade.

15 Q. And, Mr. Darge, where do you live now?

16 A. In MCC, New York.

17 Q. What is the MCC; is that the Metropolitan Correctional  
18 Center?

19 A. Yes.

20 Q. What is that?

21 A. It's a federal prison.

22 Q. And why do you live in a federal prison?

23 A. I was arrested for murder.

24 Q. And had you pled guilty to murder?

25 A. Yes.

D2k0fer5

Darge - direct

1 Q. When did that murder take place?

2 A. In 2000.

3 Q. How many people were killed?

4 A. Two.

5 Q. And when were you arrested for it?

6 A. December 3rd, of 2010.

7 Q. About two years ago; three years ago?

8 A. Yes.

9 Q. Was -- your murder conviction, was that your first  
10 conviction?

11 A. No.

12 Q. What other crimes have you been convicted of?

13 A. For heroin dealing.

14 Q. And anything else?

15 A. Also credit card fraud.

16 Q. When were you convicted of credit card fraud?

17 A. In -- in 1999.

18 Q. How about heroin dealing, when were you convicted of that?

19 A. In 2003.

20 Q. And when were you arrested for dealing heroin?

21 A. 2002.

22 Q. And at the time you were arrested in 2002, how long had you  
23 been selling drugs for?

24 A. From what period?

25 Q. When did you start selling drugs?

D2k0fer5

Darge - direct

1 A. At the age of 14.

2 Q. And when were you born?

3 A. Seventy-two.

4 Q. So that would be around 1986; does that sound right?

5 A. Yes.

6 Q. Were you mostly selling drugs from 1986 until when you were  
7 arrested in 2002?

8 A. Yes.

9 Q. When were you -- how long did you spend in jail for selling  
10 heroin?

11 A. They sentenced me to 35 months.

12 Q. And how long did you actually spend in jail?

13 A. About two years and change.

14 Q. When were you released?

15 A. In April of 2005.

16 Q. From the time that you were released from jail until today,  
17 have you committed any other crimes?

18 A. From the time that I was released?

19 Q. In April 2005.

20 A. No.

21 Q. What did you do after you were released from jail in  
22 April 2005?

23 A. Where did I live?

24 Q. Yup. What did you do.

25 A. Well, I went to the half-way house for six months, and --



D2k0fer5

Darge - direct

1 MR. RICHMAN: Objection, relevancy, your Honor.

2 THE COURT: Overruled.

3 A. In that period, you know, I got a job at a church, which I  
4 was attending when I was on bail. And in my 2002 case, they  
5 hired me as a porter there. So I was cleaning the church. And  
6 I was also a member of the church. Based upon the job that I  
7 received from the church, they gave me home confinement. So I  
8 was out of the half-way house and living, you know, in my house  
9 on 188 Valentine.

10 And I became a full member of the church, like I said  
11 before. And I was ordained deacon. I was doing services in  
12 the church. And a little while after, they -- they made me to  
13 be a Spanish pastor at that church.

14 Q. What church was that?

15 A. The Redeemed Christian Church of God.

16 Q. And when did you become a pastor?

17 A. About 2008.

18 Q. And where was it that you were a pastor, where was the  
19 church?

20 A. In 165th and Morris, in the Bronx.

21 Q. And what happened after that?

22 A. Then a year after, they launched me to my own parish, which  
23 is on 189th and -- between Huger and Belmont, in the Bronx. And  
24 I was pastoring there, my own church.

25 Q. What were you doing as pastor?

D2k0fer5

Darge - direct

1 A. My responsibilities was to preach the word of God. On  
2 Tuesdays, I would teach Bible studies. Thursdays, I lead  
3 prayers. And every other Friday, we used to do a service  
4 called night vigil. I had to make sure that the church was  
5 always well taken care of, maintained, and clean. Made sure  
6 that the bills were paid.

7 Also, another responsibility was that I had to do a  
8 monthly report to my senior pastor about the services, the  
9 attendance, the tithes and offerings that would come in on a  
10 weekly basis.

11 Q. So did there come a time where you had to stop carrying out  
12 your duties as a pastor?

13 A. Yes.

14 Q. When was that?

15 A. December 2003.

16 Q. Why did you stop?

17 A. Because I was arrested for murder.

18 Q. And what happened --

19 MR. RICHMAN: I'm having difficulty -- having  
20 difficulty hearing.

21 THE COURT: I'm confused about the dates. Would you  
22 clear it up.

23 He said he became a pastor in 2008. And, now, he is  
24 talking about 2003.

25 BY MR. CAPONE:

D2k0fer5

Darge - direct

1 Q. When did you become a pastor, Mr. Darge?

2 A. In 2008.

3 Q. And when did you -- when did you have to stop being a  
4 pastor?

5 A. In 2010. Of December.

6 Q. And why?

7 A. I was arrested for murder.

8 Q. When had those murders occurred?

9 A. In 2000, February.

10 Q. So that was 10 years before you were arrested?

11 A. Yes.

12 Q. And had those murders occurred even before you had been  
13 convicted for selling heroin?

14 A. Yes.

15 Q. What happened to your murder case?

16 A. Right now, I pled guilty. And --

17 THE COURT: Louder.

18 A. I plead guilty. For three murders, actually.

19 Q. And one of those murders is February of 2000, you  
20 mentioned?

21 A. Yes.

22 Q. Is there anyone in this courtroom, today, that participated  
23 in that murder with you?

24 A. Yes.

25 Q. Who?

D2k0fer5

Darge - direct

1 A. Joe Fernandez.

2 Q. Can you please point him out and identify an article of  
3 clothing he is wearing?

4 A. He is wearing a gray suit.

5 Q. And what table is he at?

6 A. The second row.

7 THE COURT: Let the record reflect the identification  
8 of the defendant.

9 Q. So I would like to ask you a little more about those  
10 murders and the background for them.

11 How old were you when you were involved in the  
12 murders?

13 THE COURT: Counsel, at sidebar, please.

14 (Continued on next page)  
15  
16  
17  
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22  
23  
24  
25

D2k0fer5

Darge - direct

1 (At the side bar)

2 THE COURT: These -- Mr. Capone, are not the murders  
3 at issue, right? These are not the murders in issue?

4 MR. CAPONE: They are.

5 THE COURT: They are. He identifies 2000 murders, the  
6 murders in connection with this case is 2002.

7 MR. CAPONE: No, it's February 22, 2000, your Honor.

8 MR. RICHMAN: Yes.

9 THE COURT: Oh, okay.

10 Are we going to elicit conversations about any other  
11 murders?

12 MR. CAPONE: He has pled guilty to another murder he  
13 committed a few years before that, so I'll ultimately -- I'm  
14 sure he will be crossed on it.

15 THE COURT: Are there any objections that I need to be  
16 aware of?

17 MR. RICHMAN: At this particular juncture, no, sir.

18 THE COURT: Okay, thank you.

19 (Continued on next page)  
20  
21  
22  
23  
24  
25

D2k0fer5

Darge - direct

1 (In open court)

2 BY MR. CAPONE:

3 Q. Mr. Darge, who is Joe Fernandez?

4 A. He is my cousin.

5 Q. And how are you related to him?

6 A. His grandmother and my grandmother, they are sisters.

7 Q. And were you close growing up?

8 A. Yes, we was pretty close.

9 Q. Did you live near each other?

10 A. We lived in the same building.

11 Q. How much time did you spend together growing up?

12 A. We spent a lot of time. We lived in the same area, and we  
13 was from apartment to apartment, constantly.

14 Q. Was he older or younger than you?

15 A. Younger.

16 Q. How much younger?

17 A. I'm about three, four years older than him.

18 Q. And at the time of the murders, did he still live in that  
19 building with you?

20 A. No.

21 Q. Where did he live?

22 A. He lived in some projects by the Deegan, but I believe they  
23 were named River Towers or something like that, about that  
24 sort.

25 Q. What was his role in the murders?

D2k0fer5

Darge - direct

1 A. He -- his role was to back me up in case of anything  
2 happens to me.

3 Q. Did you -- are you the one who asked him to participate?

4 A. Yes, I did.

5 Q. And did he agree?

6 A. Yes.

7 Q. Did he, in fact, back you up?

8 A. Yes, he did.

9 Q. And who was the actual shooter?

10 A. I was the one who was supposed to shoot.

11 Q. And who actually shot?

12 A. I shot, and he shot, too.

13 Q. Did you know the names of the people that you killed.

14 A. I just know the name of one of them, Arturo. Because of  
15 the indictment that I read.

16 Q. Aside from what you read, did you know them, did you know  
17 their names?

18 A. No, I did not know their names.

19 Q. Did you receive anything for murders?

20 A. Yes, I did.

21 Q. What did you receive?

22 A. \$180,000.

23 Q. Who paid you?

24 A. Gordo, which is Jose Rodriguez, Albero Reyes, and Aladino.

25 Q. Let's take them one by one.

D2k0fer5

Darge - direct

1 Who is Gordo or Jose Rodriguez?

2 A. Gordo is another cousin of mines.

3 Q. And how are you related to him?

4 A. His father, and my mother, they like stepbrothers.

5 Q. Is he related to Joe Fernandez?

6 A. No.

7 Q. Do they know each other -- did they know each other at that  
8 time?

9 A. Well, yes.

10 Q. Now, what do you call him, by the way, Jose or Gordo?

11 A. Gordo.

12 Q. What was your relationship like with Gordo around 2000?

13 A. We have a very close relationship. I spent a lot of  
14 weekends at his house. He -- we hunged out a lot of times. We  
15 have gone out to parties. We -- actually, his mother is like a  
16 mother to me. That's the type of relationship I had with him.

17 Q. Why is that?

18 A. Well, I lost my mother when I was very young. I was five  
19 when was the last time that I saw my mother. And when I --  
20 women in my family, of a certain age, I look at them as -- and  
21 look up to them as mothers. And that's how I saw her, too.

22 Q. Now, aside from a personal relationship, did you have a  
23 business relationship with Gordo?

24 A. Yes, I did.

25 Q. And what was that?



D2k0fer5

Darge - direct

1 A. We had auto sound.

2 Q. What is auto sound?

3 A. It's where you install alarms, radios.

4 Q. What was it called.

5 A. Live Wire.

6 Q. When was Live Wire opened?

7 A. In 1999.

8 Q. And what was your role at Live Wire?

9 A. I was the actual owner, but I was titled as the vice  
10 president, and Gordo was the manager.

11 Q. You were the owner. So did you -- were you the one who  
12 actually opened the business?

13 A. Yes, I opened the business. I financed it.

14 Q. What money did you use to finance it?

15 A. When I was doing credit card frauds, I used that money.

16 Q. Why did you open Live Wire?

17 A. Based upon the relationship I had with Gordo, he used to  
18 work for auto sound. So I wanted to help him out so he could  
19 have his own business. He was good at what he does. And so he  
20 agreed, and we opened up the shop.

21 Q. And did Live Wire do legitimate business?

22 A. Yes, we did.

23 Q. What type of business?

24 A. Like I said before, we used to install alarms, any type of  
25 music or sounds, radios.

D2k0fer5

Darge - direct

1 Q. Was there another purpose for opening Live Wire?

2 A. Yes. We also had another purpose.

3 Q. What was that?

4 A. To do secret compartment stashes.

5 Q. And what's a stash?

6 A. It's secret compartment that you store in the vehicles to  
7 carry drugs or guns; whatever you wanted to move around and you  
8 didn't want people to know about.

9 Q. So you opened Live Wire in part to install secret  
10 compartments and make money for that?

11 A. Yes.

12 Q. Were secret compartments actually installed at Live Wire?

13 A. Yes, plenty.

14 Q. How do you know?

15 A. Because I have seen them. I was there when they have been  
16 installed.

17 Q. You said Gordo was the manager; what does that mean?

18 A. Well, he actually ran the place. All I was there is just,  
19 you know, supporting him financially. But he basically did all  
20 of the deals, and did all of the work.

21 Q. Did Gordo make money any other way?

22 A. Yes, he did.

23 Q. And what did he do?

24 A. He sold drugs.

25 Q. Make sure to keep your voice up, Mr. Darge.

D2k0fer5

Darge - direct

1                   How do you know that Gordo sold drugs?

2       A.   Well, based upon the relationship we had, he had shared  
3       that with me, and I even was there when he made a deal.

4       Q.   You were there when he made deals?

5       A.   A deal.

6       Q.   A deal.

7                   What kind of drugs did he sell?

8       A.   Cocaine.

9       Q.   Did you have anything to do with deal that you were there  
10      for?

11      A.   Excuse me?

12      Q.   Did you have -- you said you were there when Gordo did a  
13      cocaine deal, is that right?

14      A.   Yes.

15      Q.   Were you involved in that deal?

16      A.   Yes, I was.

17      Q.   What was your role?

18      A.   I was just helping him to count money.

19      Q.   Did you get paid?

20      A.   No, I didn't get paid.

21      Q.   Was Gordo selling cocaine in 2000?

22      A.   Yes, he was.

23      Q.   And are we talking about street level quantities, or larger  
24      quantities of cocaine?

25      A.   Large quantity.

D2k0fer5

Darge - direct

1 Q. I think another individual that you said was involved in  
2 paying you was Albero Reyes; is that right?

3 A. Yes.

4 Q. Did you know him by any other names.

5 A. Zak.

6 Q. And did you call Albero or Zak?

7 A. Zak.

8 Q. Do you know what Zak was doing around this time in the  
9 year 2000?

10 A. He was working for Live Wire.

11 Q. Doing what?

12 A. He was also an installer. And he also worked doing  
13 stashes.

14 Q. And did he also make money any other way?

15 A. Yes.

16 Q. And how was that?

17 A. He was selling, also, cocaine.

18 Q. And did he have any partners?

19 A. Gordo and Aladino.

20 Q. And who is Aladino?

21 A. Aladino is the -- the brother-in-law of the main supplier  
22 of the drugs.

23 Q. And do you know him by any other names?

24 A. Shortie.

25 Q. The brother -- you said he is the brother-in-law of the

D2k0fer5

Darge - direct

1 main supplier. The main supplier, to who?

2 A. To Gordo, Aladino, and Zak.

3 Q. So Gordo, Aladino, and Zak, and they all worked together?

4 A. Yes.

5 Q. And who is this main supplier; do you know?

6 A. Geffrey Minaya.

7 Q. And do you personally know Geffrey Minaya?

8 A. Yes, I know him.

9 Q. Did you have any drug business with Geffrey Minaya?

10 A. No.

11 Q. Do you know him well?

12 A. Pretty much; yes.

13 Q. And what kind of drugs was Jeff Minaya supplying to Gordo,  
14 Zak, and Aladino?

15 A. Cocaine.

16 Q. And by the way, how do you know all of this about their  
17 relationships?

18 A. Because of conversations that I had with Gordo, and Zak,  
19 and Aladino.

20 Q. I'm going to show you some photographs. Can you see these  
21 photographs?

22 A. Yes, I can.

23 Q. And if you could just -- I'll ask you if you know anyone on  
24 the top row, starting with government exhibit 7.

25 MR. RICHMAN: Your Honor, may it be shown to defense,

D2k0fer5

Darge - direct

1 as well?

2 THE COURT: Yes.

3 MR. RICHMAN: Leave it there.

4 THE COURT: Would you like to come up, Mr. Richman?

5 MR. RICHMAN: If you would allow me to.

6 THE COURT: Sure.

7 BY MR. CAPONE:

8 Q. Stick with the first row now.

9 And do you know who is depicted in government  
10 exhibit 7?

11 A. No.

12 Q. How about government exhibit 3?

13 A. Yes. That's Geffrey Minaya.

14 Q. And how about government exhibit 6?

15 A. That's Zak.

16 Q. Albero Reyes?

17 A. Yes.

18 (Continued on next page)

19

20

21

22

23

24

25

D2KMFER6

Darge - direct

1 Q. Albero Reyes?

2 A. Yes.

3 Q. Finally, how about Government Exhibit 13?

4 A. That is Gordo.

5 THE COURT: Will you take down the pictures.

6 Q. You testified that Gordo, Zac, and Aladino are the ones  
7 that paid you?

8 A. Yes.

9 Q. Let's talk about that.

10 When did they first approach you to offer you this  
11 money?

12 A. The night before the murder.

13 Q. And what happened?

14 A. Gordo gave me a call that he has something important to  
15 talk to me about, an issue came up, and he needed to see me  
16 urgent. So I told him I was home and if he wants to see me he  
17 can come by.

18 Q. Where were you living, by the way?

19 A. At that time I was living on Ellis and Homestead.

20 Q. In the Bronx?

21 A. Yes, in the Bronx.

22 Q. What happened next?

23 A. So he told me that once he gets to my house he will call me  
24 so I can come downstairs. And about an hour or so he got to  
25 the front of my house and he called me down, so I told him I

D2KMFER6

Darge - direct

1 would be right down.

2 Q. If I can just stop you for a second. Do you remember  
3 specifically the date?

4 A. No, I don't remember the date.

5 Q. Do you remember the month and year?

6 A. Yes. February of 2010. 2000. I'm sorry.

7 Q. When you got this call, what time of day was it?

8 A. It was late. It was already getting dark.

9 Q. So what happened after you received that first call?

10 A. When Gordo got in front of my house he called me on my  
11 cell, and he told me that he's downstairs, so I told him I'll  
12 be right down. When I came down, there was a blue Honda  
13 Accord, Gordo was at the passenger seat, Zac was driving, and  
14 Aladino was in the back seat. So I greeted him as I was  
15 approaching the car.

16 Q. Who is him?

17 A. Gordo. And then I opened up the back door and I sat behind  
18 Gordo in the car.

19 Q. What happened when you got into the car?

20 A. So when I got in the car Gordo turns around and he tells me  
21 that he has an issue that he needed to talk to me about. And  
22 he needs help. And the problem that he had was that he owes  
23 some money to the connect and he didn't have the money to pay.  
24 And they the real issue that he was having was that they were  
25 coming for their money and if he didn't pay the money that they



D2KMFER6

Darge - direct

1 was going to go after the family, which was his mother. And he  
2 actually used those exact words, they know where mommy lives,  
3 because he knew that she is like a mother to me, too. And then  
4 I asked him, you know, who are these guys? And he said, well,  
5 the connect that has been supplying us with drugs.

6 Then they was like, listen, I'm willing to pay you  
7 some money if you can help me with this. I want to get rid of  
8 them because I don't have the money to pay them.

9 Q. Get rid of them, were those his words?

10 A. I'm just paraphrasing. I don't remember exactly what was  
11 word for word of what was said. It's been a long time.

12 Q. What was he asking you to do?

13 A. To kill them. And I said them because there was two.

14 Q. He told you that?

15 A. Yes.

16 Q. And did he tell you who these people were?

17 A. Yes. He told me there was the connect. They was the ones  
18 that was coming to pick up the money, which was going to happen  
19 the following day.

20 Q. This was money for drugs?

21 A. Yes.

22 Q. And whose connect were these people?

23 A. Jeffrey Minaya's.

24 Q. Did he tell you when this needed to happen?

25 A. The following day.

D2KMFER6

Darge - direct

1 Q. Why did it need to happen so quickly?

2 A. Because that was the agreement that they had when the  
3 people was going to pick up the money.

4 Q. What was Gordo's demeanor as he was explaining this all to  
5 you?

6 A. He was -- there was something that was not right when he  
7 was telling me all of this.

8 MR. RICHMAN: Objection.

9 THE COURT: Overruled. Go ahead.

10 A. Because based upon the relationship I have with Gordo, he  
11 is known to lie a lot. But being that it was a serious thing  
12 that, you know, the family was in danger because of he owed  
13 money, I just sat there and listened to him, to what he wanted  
14 to do, but there was something missing.

15 Q. Were you going to get anything out of this?

16 A. Yes. He offered me some money.

17 Q. What did he offer you?

18 A. Well, the first offer -- while he was telling me the  
19 situation was that he was willing to give me 150,000.

20 Q. And what happened after that?

21 A. And he saw that I didn't budge, that I was just taking  
22 everything in that he was telling me, and I was, you know,  
23 thinking about the whole thing. So at that point he and Zac  
24 and Aladino, they looked at each other and they raised up the  
25 money, and they started talking with each other and negotiating

D2KMFER6

Darge - direct

1 how much more could they give me so I could say yes to take the  
2 job.

3 Q. And what did they say?

4 A. So they all agreed that they will put in \$10,000 each to  
5 raise it up to 180,000.

6 Q. What did you say to that?

7 A. So once they offered the last offer, which was 180,000, I  
8 told them that I need some time to think about it, that I'll  
9 get back to them.

10 Q. You said you need some time to think about it. What did  
11 you need to think about?

12 A. Well, I need to put some things together, even for myself,  
13 if I am going to do the job, and so I needed some time to think  
14 who I will even get to do the job and get myself together  
15 before I even agree to take the job.

16 Q. Who you would get to do the job. To be clear, you were  
17 going to do the job yourself?

18 A. Yes.

19 Q. What do you mean, who you would get?

20 A. That I would need help because it was two individuals that  
21 I was supposed to kill.

22 Q. Did Zac do any talking during this conversation?

23 A. The only talk that Zac did was when they was trying to  
24 negotiate about how much more they want to give me.

25 Q. And how about Aladino?

D2KMFER6

Darge - direct

1 A. Likewise.

2 Q. During this conversation, did the four of you discuss the  
3 plan about how the murders would occur?

4 A. We didn't go into full details because I have not agreed  
5 yet to do the job. So the only thing that they told me is  
6 there is two guys that I need to kill, and it has to happen the  
7 following day, and that's it.

8 Q. How long was this discussion?

9 A. About half hour at the most.

10 Q. And how did you leave it?

11 A. Like I said before, I told them that I needed to think  
12 about it and I'll get back to him as soon as possible.

13 Q. And then you left the car?

14 A. Yeah. We greeted each other and then I just got out the  
15 car and went back upstairs to my house.

16 Q. Do you have any understanding as to why Gordo picked you  
17 for this job?

18 A. Well, based upon the relationship we have, he knew he could  
19 trust me and he knows that I'm the type of dude that I will go  
20 all the way whenever I make up my mind to do something. And  
21 the trust that we have within each other, basically, that's  
22 what I think was the strength of him asking me.

23 Q. We are talking about killing people. Do you have any  
24 understanding as to why he thought you would be capable of  
25 that?

D2KMFER6

Darge - direct

1 MR. RICHMAN: Objection.

2 THE COURT: Sustained.

3 A. Well --

4 THE COURT: Sustained. Don't answer. When I overrule  
5 an objection, you answer. When I sustain the objection, you  
6 don't answer.

7 Q. Were you a gun owner, by the way?

8 A. Yes, I owned a gun before.

9 Q. Do you know if Gordo knew you were a gun owner?

10 A. Yes.

11 Q. How did he know?

12 A. Because I have shared it with him.

13 Q. So what happened when you left the car?

14 A. So once I left the car I went back upstairs to my house. I  
15 took a few minutes to think about what I just heard from Gordo,  
16 and I started thinking of people that could help me to do the  
17 job if I decide to take it. And two names came to my mind,  
18 Joey Fernandez and Luis Rivera.

19 Q. What kind of help did you think you were going to need?

20 A. I was going to need a driver to get away and also someone  
21 to watch my back while I'm killing the two individuals that I  
22 was supposed to kill.

23 THE COURT: So you needed two people, not just one?

24 THE WITNESS: Yes.

25 Q. Why would you need a driver?

D2KMFER6

Darge - direct

1 A. Because in case something happened to either me or Joe  
2 Fernandez, we might not have the ability to drive. Somebody  
3 that is well conditioned could drive us away from the place.

4 Q. Why did you think you would need a backup?

5 A. Like I said before, I didn't really trust the whole story,  
6 so just in case while I'm killing the two individuals that they  
7 come and kill me.

8 Q. Did you ask those two people to help you?

9 A. Yes, I did.

10 Q. And what roles did you ask them to play?

11 A. Luis Rivera, I told him that I needed him to be a driver  
12 and Joe Fernandez to be my backup.

13 Q. Had you made up your mind before you asked them that you  
14 were going to do this?

15 A. I first needed to find out if I got the help because I knew  
16 I wasn't able to do it by myself.

17 Q. If you could get the help, were you going to do it?

18 A. Yes.

19 Q. Why?

20 A. I love my family and I would not allow anybody to hurt any  
21 of my family members. So because Gordo's mother was going to  
22 be involved in this, I was willing to go all the way.

23 Q. Any other reason?

24 A. And also the money that they offered was good money and it  
25 was enough that if I had to go and be on the run for a while,

D2KMFER6

Darge - direct

1 it will supply whatever I needed.

2 THE COURT: Do you believe Gordo's story?

3 THE WITNESS: To a certain point, yes.

4 THE COURT: Did you doubt that he had or believed that  
5 he had the money to pay his narcotics debt?

6 THE WITNESS: No.

7 THE COURT: He was given narcotics to sell?

8 THE WITNESS: Yes.

9 THE COURT: And he could sell it at a price that would  
10 pay for the supply?

11 THE WITNESS: Yes.

12 THE COURT: And you didn't all together trust him?

13 THE WITNESS: No.

14 THE COURT: So did it seem to you that he should have  
15 had enough money to pay off his suppliers?

16 THE WITNESS: In that type of business a lot of things  
17 can happen. They could have been robbed. They could have lost  
18 some type of work.

19 THE COURT: But he didn't tell you of a robbery?

20 THE WITNESS: No, he didn't.

21 THE COURT: He didn't tell you that the goods had been  
22 captured, or anything like that?

23 THE WITNESS: No, he didn't.

24 THE COURT: And he didn't give you any explanation of  
25 why he couldn't pay his just debt?

D2KMFER6

Darge - direct

1 THE WITNESS: No, he did not explain to me.

2 Q. You had some skepticism, is that right?

3 A. Yes, I did. Because, like I said, Gordo is known to be a  
4 liar, and I knew there was something missing from the whole  
5 story.

6 THE COURT: The truth wasn't that the money was the  
7 thing that made the difference?

8 THE WITNESS: Yes.

9 THE COURT: You already killed two guys for \$180,000?

10 THE WITNESS: Yes.

11 Q. Let's talk more about Joe Fernandez and Luis Rivera. You  
12 already talked earlier about your relationship growing up. Why  
13 did Joe Fernandez come to mind in terms of someone you would  
14 ask to back you up?

15 A. One of the reasons is because we was very close. He's  
16 someone that looked up to me as a big brother. I knew I could  
17 trust him. He was someone that didn't speak much. He was very  
18 quiet. And also he at that time was not living in the  
19 neighborhood, and he will be the last person that either Gordo  
20 or Zac or Aladino or anyone in our circle will think of that I  
21 would get to help me.

22 Q. Any other reasons?

23 MR. RICHMAN: Objection.

24 THE COURT: Overruled.

25 A. And he also, I know that he owned a gun.



D2KMFER6

Darge - direct

1 MR. RICHMAN: Objection.

2 THE COURT: Overruled.

3 MR. RICHMAN: Move to strike.

4 THE COURT: How did you know it?

5 THE WITNESS: Because he has shared it with me.

6 THE COURT: Meaning he showed it to you?

7 THE WITNESS: No. He shared it with me that he owned  
8 guns.

9 THE COURT: He told it to you?

10 THE WITNESS: Yes.

11 Q. Anything about his background that led to you deciding to  
12 ask him?

13 MR. RICHMAN: Objection.

14 THE COURT: Sustained.

15 MR. CAPONE: Your Honor, we addressed this last week.

16 THE COURT: Sustained.

17 Q. You knew a lot of other tough people, right?

18 A. Yes, I did.

19 Q. People with guns?

20 A. Yes.

21 Q. People that were tougher than Joe?

22 A. Yes.

23 Q. Why did you ask him as opposed to any of those people?

24 MR. RICHMAN: Objection.

25 THE COURT: Sustained.

D2KMFER6

Darge - direct

1 Q. After you decided you would ask Joe that night, what did  
2 you do?

3 A. I also called Luis Rivera to let him know that I needed to  
4 talk to him as well. I never spoke anything as far as details  
5 over the phone.

6 Q. How did you come to talk to Joe that night?

7 A. I called him on his cell and I asked him where he was and  
8 that I needed to speak to him. He told me he was home. So I  
9 told him I will be on my way. I'll tell you when I'm  
10 downstairs so you can come down and talk to me.

11 Q. Where was home for him?

12 A. He lived in some projects that was by the Deegan, by  
13 Roberto Clemente in the Bronx. I can't remember exactly the  
14 name. I know something towers.

15 Q. Did you go there?

16 A. Yes, I did.

17 Q. How did you get there?

18 A. I drove there.

19 Q. What happened when you got there?

20 A. I parked -- his complex is pretty big, and I parked at the  
21 opposite street of his complex. There was a corner store  
22 there. And once I parked I called him and I told him that I  
23 was downstairs, and he told me he would be right down, and he  
24 did come down.

25 Q. So describe for the jury the conversation you had when he

D2KMFER6

Darge - direct

1 came down.

2 A. So once I saw him coming out of his complex, the corner, at  
3 the end of his complex I got out the car and I met him right  
4 there at that corner. And I told him, listen, there is a  
5 situation I had, the family is in danger, and they want me to  
6 handle it, and I need help because I'm not really trusting the  
7 situation. I feel like there is something that is not right,  
8 and I need your help. I need you to back me up. I didn't go  
9 into full details at that moment because I was still waiting to  
10 see if he's willing to do it.

11 Q. Did you tell him that it would involve murder?

12 A. At that present time I don't remember me telling him  
13 exactly, but down the line I did exactly tell him that I was  
14 going to commit murder.

15 Q. What else did you tell him about this situation?

16 A. That I was hired to murder two guys, and that I needed him  
17 to back me up in case of anything. After that, he agreed to  
18 help me out, whatever I needed him to do.

19 Q. Just so I understand, you told him there was a situation  
20 and you needed him. You wanted to see if he would agree in  
21 general to help?

22 A. Yes.

23 Q. And then you told him details?

24 A. Then I went into details, yes.

25 Q. What are the details that you provided him?

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Darge - direct

1 A. I also told him that I'm willing to pay him 40,000 to  
2 assist me, and he also needed to bring his gun.

3 Q. What exactly did you tell him you were going to do?

4 A. That I was going to kill.

5 Q. Did you tell him who these people were and what the  
6 situation --

7 A. No, I didn't go into all those details. It was that they  
8 threatening the family, and I was not going to allow that to  
9 happen, and I need you to get rid of them.

10 Q. And you told him would he need to bring a gun?

11 A. Yes.

12 Q. What was his reaction to this?

13 A. He was normal. He was calm. He just listened and he  
14 was -- the way he showed me that he's willing to go all out,  
15 whatever he needed me -- I needed him to do he was going to do  
16 it.

17 Q. By the way, to your knowledge, did Joe know Gordo at this  
18 point?

19 A. Yes, Joey knows Gordo.

20 Q. Did you tell him anything about Gordo?

21 A. I don't think at that moment, but during, you know, the  
22 whole thing he ended up knowing who he was.

23 Q. What specifically did you ask Joe to do?

24 THE COURT: Are you okay with that answer, Mr.  
25 Richman?

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Darge - direct

1 MR. RICHMAN: Objection.

2 THE COURT: Sustained.

3 Strike the answer. Disregard it. You can follow back  
4 with some more questions, Mr. Capone.

5 Q. Did you tell Joe he was going to have to kill anyone?

6 A. No.

7 THE COURT: Don't lead.

8 We are not talking about a conversation here with  
9 Mr. Fernandez, right, the defendant?

10 MR. CAPONE: That is what we are talking about, your  
11 Honor.

12 THE COURT: Where did you have this conversation?

13 THE WITNESS: Right out of his complex, in the street.

14 THE COURT: And his complex was on the Deegan?

15 THE WITNESS: Yes.

16 THE COURT: Where on the Deegan?

17 THE WITNESS: It's right next to Roberto Clemente.

18 THE COURT: Where is Clemente?

19 THE WITNESS: I don't know the name of that street.

20 THE COURT: How did you get to it?

21 THE WITNESS: The way I came through is by 179th and  
22 Burnside.

23 THE COURT: Around 179th and Burnside?

24 THE WITNESS: It's right after Sedgwick Avenue. There  
25 is a small street.

D2KMFER6

Darge - direct

1 THE COURT: What's the big street around there,  
2 Burnside?

3 THE WITNESS: Burnside. You had Sedgwick.

4 THE COURT: Between Burnside and Fordham Road?

5 THE WITNESS: No. The Fordham road --

6 THE COURT: Between Burnside and Tremont?

7 THE WITNESS: About.

8 THE COURT: In the west Bronx?

9 THE WITNESS: Yes.

10 THE COURT: You drive up there?

11 THE WITNESS: Yes.

12 THE COURT: And you park your car and you meet  
13 Mr. Fernandez outside?

14 THE WITNESS: Yes.

15 THE COURT: What do you say to him and what does he  
16 say to you? About when is this, February when?

17 THE WITNESS: I don't know the date. But I know it  
18 was in February 2000.

19 THE COURT: February 2000, at night.

20 THE WITNESS: Yes, it was dark.

21 THE COURT: About what time? It gets dark early in  
22 February.

23 THE WITNESS: Yes. I can't remember exact time.

24 THE COURT: After dinner?

25 THE WITNESS: Probably later than that.

D2KMFER6

Darge - direct

1 THE COURT: So he comes down. You have a  
2 conversation. What do you say to him and what does he say to  
3 you?

4 You can take it from there, Mr. Capone.

5 Q. When you first saw Joe, what did you say to him?

6 A. I told him that there is a problem I had and the family is  
7 being threatened and I need his help because I was not going to  
8 allow anyone to hurt the family. I didn't go into details at  
9 that moment because he has not agreed or anything with me yet.

10 Q. Did he say anything to you?

11 A. He was just listening and waiting for me to finish my --  
12 what I was trying to tell him.

13 THE COURT: You told him that the family is being  
14 threatened, we need to do something.

15 What else did you say?

16 THE WITNESS: I also told him that I was willing to  
17 pay him, it's not going to be for free, and I offered him  
18 \$40,000.

19 Q. Was it at that point that he responded?

20 THE COURT: Did he say anything else before he  
21 responded?

22 THE WITNESS: I also told him that he needed a gun,  
23 which he told me he has, and then, after that, was when he  
24 agreed.

25 THE COURT: What did he say?

D2KMFER6

Darge - direct

1 THE WITNESS: And what Joey Fernandez told me was  
2 like, whatever, you know. I'm willing to help you out.

3 Q. What did you then say?

4 A. I said okay, that I will get back to him, that I still need  
5 to put some other things together.

6 Q. And did you tell him anything else about what you would be  
7 doing the next day?

8 A. No. We didn't go into full details because we must have  
9 still had to find out some things from Gordo about the  
10 situation.

11 Q. Did you tell him that you were being offered to hire for  
12 killing two people, him being Mr. Fernandez? Did you tell him  
13 that?

14 A. Yes.

15 THE COURT: Did you tell that to Rivera, also?

16 THE WITNESS: Well, after that, then --

17 THE COURT: First you had spoken to Fernandez, then  
18 you had spoken to Rivera, right?

19 THE WITNESS: Yes.

20 THE COURT: You tell Rivera on the street that you  
21 also had received an offer to kill two people?

22 THE WITNESS: Well, I didn't go into those details  
23 with him, with Luis Rivera.

24 THE COURT: Did you say you were up to kill somebody?

25 THE WITNESS: Yes.



D2KMFER6

Darge - direct

1 Q. I am going to ask you a little more about Luis Rivera.

2 How do you know him?

3 A. He's a friend of ours from the neighborhood. His father  
4 was very close to us.

5 Q. Do you know what kind of business he was in?

6 A. He sold drugs.

7 Q. What kind of drugs?

8 A. Heroin.

9 Q. Did you sell drugs with him?

10 A. Yes.

11 THE COURT: This is Rivera's father?

12 THE WITNESS: Yes.

13 Q. You sold drugs with Luis Rivera's father?

14 A. Yes.

15 Q. What was his name?

16 A. Carlos Roman.

17 Q. Did you sell drugs with Luis Rivera as well?

18 A. Yes.

19 Q. This was heroin?

20 A. Yes.

21 Q. What was your drug relationship like in terms of you and  
22 Luis and Carlos? Did they supply you or you supplied them or  
23 did you work together?

24 A. Well, Carlos Roman was working in another neighborhood and  
25 he was known for being a heroin dealer. He had a lot of

D2KMFER6

Darge - direct

1 experience. And when I first started dealing with heroin, he  
2 was basically the one that taught me how to deal. And I wasn't  
3 doing too well at the beginning, so he helped me get rid of the  
4 stuff that I was getting in his neighborhood. Then it got to a  
5 point where he joined us in 180 and Valentine and he started  
6 managing the drug spot there at 180 and Valentine. I don't  
7 know, I forgot what year he got arrested for drugs. And then  
8 after that, that's when Luis Rivera took over his position and  
9 he was managing the neighborhood.

10 Q. Anybody else you know do drug business with Luis Rivera and  
11 Carlos Roman?

12 A. Yes. My brother.

13 Q. What's your brother's name?

14 A. Allen Darge.

15 Q. And how do you know that he was selling drugs with Carlos  
16 Roman and Luis Rivera?

17 THE COURT: Do you need this information?

18 MR. RICHMAN: Your Honor, I would have no objection to  
19 it. It will be used in cross-examination.

20 THE COURT: All right. Keep going then.

21 Q. How do you know your brother was selling drugs with those  
22 guys?

23 A. Yeah. My brother was actually the one running the block.

24 THE COURT: Does your brother have a nickname?

25 THE WITNESS: Boozer.

D2KMFER6

Darge - direct

1 Q. Is he a younger brother or older brother?

2 A. Younger.

3 Q. Did you sell drugs with your brother?

4 A. Yes.

5 Q. What was the relationship like in terms of the drug  
6 selling?

7 A. Well, at that time I was the one supplying him with weight.

8 Q. What do you mean, supplying him with weight?

9 A. I was giving him 250 to half a kilo of heroin.

10 Q. Over what time period was this?

11 A. In the time where Carlos took over the neighborhood and  
12 Luis, after Carlos Roman's arrest, when Luis took over.

13 Q. Was this before the murders or after?

14 A. Before the murders.

15 Q. Were you still selling drugs with your brother around the  
16 time of the murders?

17 A. Yes.

18 Q. By the way, what is your relationship like with your  
19 brother?

20 A. Well, didn't see eye to eye. We loved each other, but we  
21 always had our disagreements and we argued a lot.

22 Q. What do you mean by that?

23 A. You know, between us two, my mother's side of the family  
24 always said that my father favored me more than him and there  
25 was always like this jealousy and this back-and-forth thing

D2KMFER6

Darge - direct

1 between us. And we just thought different. We didn't agree on  
2 everything, but he is my brother. He loved me and I loved him.  
3 And we did business together.

4 Q. To return to Luis Rivera and that night, before the  
5 murders, why did you ask him to be your getaway driver?

6 A. Luis Rivera is someone else that looked up to me. He has  
7 helped me to drive when I was doing credit card fraud, so he  
8 already had experience. I already know what he's capable of  
9 doing.

10 He also owned a car that we had installed a stash in  
11 Live Wire, which I was going to need so that we could put the  
12 guns in that stash as we are on our way to commit the crime.

13 Q. What kind of car was that?

14 A. He had a Ford Expedition.

15 Q. What color?

16 A. It was like greenish.

17 Q. You said we had installed a stash at Live Wire?

18 A. Yes.

19 Q. Did you install it?

20 A. No. Gordo, Zac, and there was another individual by the  
21 name of Richard.

22 Q. They installed Luis' trap?

23 A. Yes.

24 Q. Were you going to need that trap during the murders?

25 A. Yes.

D2KMFER6

Darge - direct

1 Q. Did Luis Rivera go by any other names?

2 A. Yes. Batman.

3 THE COURT: That was Rivera's nickname?

4 THE WITNESS: Yes.

5 Q. How did you approach Luis Rivera that night?

6 A. Well, I called him to find out where he was, and we met up  
7 by his house, and I told him that once I got there I told him  
8 that, listen, I need a driver, something came up and the family  
9 is being threatened and I need him to assist me to drive.

10 Q. Did you offer him money?

11 A. Yes, I did.

12 Q. What did you offer him?

13 A. 20,000.

14 Q. Did he accept?

15 A. Well, after --

16 THE COURT: This is Rivera?

17 THE WITNESS: Yes, Luis Rivera.

18 THE COURT: Didn't you say before you offered him 40?

19 THE WITNESS: No. That's Joey Fernandez.

20 Q. Did he accept?

21 A. Yes.

22 Q. Did you tell him that you were going to be killing two  
23 people?

24 A. Once he accepted, yes, I went into details because I knew  
25 he was already on board, and I also told him that I needed him

D2KMFER6

Darge - direct

1 to bring me a gun that I could get rid of after I commit the  
2 crime.

3 Q. You asked him to bring a gun?

4 A. Yes.

5 Q. Did you not have your own?

6 A. No. At that time I did not.

7 Q. You've had guns before?

8 A. Yes.

9 Q. But you didn't have one then at that time?

10 A. No.

11 Q. Did he agree to bring you a gun?

12 A. Yes, he did.

13 Q. I am just going to show you a couple of photographs.

14 MR. CAPONE: You can put up Government Exhibit 11,  
15 Ms. Quinones.

16 Q. How recognize who that is?

17 A. Yes. That's my brother.

18 Q. I've handed you what is marked for identification as  
19 Government Exhibit 4.

20 Do you recognize who is in that photograph?

21 A. Yes. That's Luis Rivera.

22 MR. CAPONE: I would offer Government Exhibit 4.

23 MR. RICHMAN: No objection.

24 THE COURT: Received.

25 (Government's Exhibit 4 received in evidence)

D2KMFER6

Darge - direct

1 MR. CAPONE: Ms. Quinones, if you can publish that.

2 THE COURT: Who is this fellow?

3 THE WITNESS: Luis Rivera.

4 THE COURT: Looks a little like Gordo.

5 Q. After you spoke to Joe and Luis that night, what happened  
6 next?

7 A. I told him that I will get back to him, so I called Gordo  
8 and I told him that I needed to meet up with him so we could  
9 talk.

10 Q. And did you meet up with him?

11 A. Yes, we did. I told him to meet me by my house, which he  
12 did. Once he got there he told me he was there. I came back  
13 down because I was home waiting. And when I got inside the  
14 car, it was Zac and Gordo in the car.

15 Q. Was anyone else there?

16 A. That I remember, no.

17 Q. What happened during that meeting?

18 A. So I got into the back seat of the car and I told Gordo  
19 that, yes, I'm going to take the job. I have what I need. So  
20 I'm capable of doing it. And we started getting into details  
21 of how we was going to set up the deal.

22 Q. What details did you discuss?

23 A. Who will be the one that will be bringing the connect to  
24 the stash house, where was the stash house, more or less. They  
25 just gave me a rough idea of the neighborhood. And at what

D2KMFER6

Darge - direct

1 time, more or less, they wanted, which was going to be early in  
2 the morning.

3 THE COURT: You used the word connect. What do you  
4 mean by the word connect?

5 THE WITNESS: The people that supply the drugs to  
6 Gordo, Zac, and Aladino.

7 THE COURT: Did you appreciate there was any  
8 difference between the connect and the guys that you were going  
9 to hit?

10 THE WITNESS: What was that?

11 THE COURT: What's the relationship if any, between  
12 the connect and the two people you were supposed to hit?

13 THE WITNESS: They were the connect themselves, those  
14 two guys.

15 THE COURT: So the connect and the persons you were  
16 going to hit were the same people?

17 THE WITNESS: Yes.

18 Q. And I think you testified that what Gordo told you is that  
19 he owed money to this connect and he didn't have it to pay?

20 A. Yes, that was what he told me.

21 Q. And you said you talked about who would pick the connect up  
22 and bring them to the building?

23 A. Yes. We agreed that Zac would be the one picking them up  
24 and bringing them to where they were going to pick up the  
25 money, which was the stash house.



D2KMFER6

Darge - direct

1 Q. What do you mean, pick up the money?

2 A. Well, they had an apartment where they used to keep the  
3 money of the drugs that they sold.

4 Q. Who is they?

5 A. Gordo, Zac, and Aladino. And the agreement that they had  
6 with the connect was that the day after, that they would go and  
7 take them where the money is at so they could pick it up and  
8 take it with them. So the plan was that Zac will be the ones  
9 picking up the connect, taking them to the stash house, and  
10 while they doing all that, Joey Fernandez and myself will be in  
11 the building waiting for them.

12 THE COURT: The day after the connect supplied the  
13 drugs to Zac, Aladino, and Gordo, Zac was supposed to bring the  
14 connect to the house to which the money obtained by selling the  
15 drugs was brought and hidden?

16 THE WITNESS: Yes.

17 Q. Mr. Zac, Gordo, and Aladino's stash house?

18 A. Yes.

19 Q. A moment ago you said that you and Joey Fernandez would be  
20 waiting there?

21 A. Yes.

22 Q. Just to be clear, at that time, did you tell Gordo and Zac  
23 who else you had brought into the clan?

24 A. No, not yet. I did not discuss names or anything yet.

25 Q. Did you tell them you had other people?

D2KMFER6

Darge - direct

1 A. Yes.

2 Q. You told them you were going to be with somebody else?

3 A. Exactly, that I was going to have a backup.

4 Q. Did you tell them you were going to have a driver?

5 A. Yes.

6 Q. You didn't say the names?

7 A. At that moment, no, I did not.

8 Q. Why not?

9 A. I didn't think that they needed to know who was with me.

10 Q. Did they ask?

11 A. No, they didn't really ask. All they was concerned was for  
12 those two guys -- for me to kill the two guys.

13 THE COURT: Who was it you told? Who was it you gave  
14 this information about having two others?

15 THE WITNESS: Having what?

16 THE COURT: Having two people with you, a driver and a  
17 backup.

18 A. Gordo. I was mostly talking with Gordo throughout the  
19 whole conversation.

20 Q. But Zac was there?

21 A. Zac was there.

22 Q. Anyone else?

23 A. That's it. That's all I can remember.

24 Q. This stash house, had you been there before?

25 A. No, I had never been to that house.

D2KMFER6

Darge - direct

1 Q. Were you part of Gordo, Zac and Aladino's drug business?

2 A. No, I wasn't fully involved with them, no.

3 Q. What do you mean, wasn't fully involved?

4 A. I didn't -- I wasn't part of their click. We was related  
5 because of the shop and they hung out there and they spoke  
6 about things, but I was not part of their business when they  
7 came to dealing drugs. I was there for one transaction, Gordo  
8 needed my help, so I could help him count some money, but that  
9 was it.

10 THE COURT: I have bad news. We are going to suspend  
11 at this time. I have another case waiting for me. We will  
12 resume tomorrow at 10:30.

13 It's like a chapter. You end at a certain point, next  
14 day the story goes on.

15 Close up your books, keep an open mind. Tomorrow at  
16 10:30. I've got to run a chore that I cannot put off.

17 (Jury not present)

18 THE COURT: Anything for me before we recess for the  
19 day?

20 See you tomorrow at 10:30.

21 MR. BLANCHE: Your Honor, very briefly, we discussed  
22 this with Mr. Richman a little bit. Juror number 7, who is on  
23 the end, has been sleeping; obviously not the whole day, but  
24 certainly during the day. I'm just asking if we could keep an  
25 eye on it tomorrow and maybe -- I don't have a solution -- give

D2KMFER6

1 him some water.

2 THE COURT: We will take care of it. Thank you for  
3 bringing it to my attention.

4 Anything else?

5 10:30 tomorrow.

6 (Adjourned to Thursday, February 21, 2013 at 10:30  
7 a.m.)

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GOVERNMENT EXHIBITS

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